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EPA Enforcement - A Progress Report for 1976: Air, Noise Water, Pesticides

Environmental Protection Agency, Washington, D C

Jan 77

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EPA ENFORCEMENT

A PROGRESS REPORT

1976

AIR
NOISE
WATER
PESTICIDES

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REPRODUCED BY
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SPRINGFIELD, VA. 22161

NOTE

The initial report on the Environmental Protection Agency's Enforcement Program was published in February, 1973, covering EPA enforcement actions in the areas of air, water, and pesticide pollution from December 1970 the date of the Agency's formation, to November 1972. Copies of that volume are obtainable from the NATIONAL TECHNICAL INFORMATION SERVICE, 5825 Port Royal Road, Springfield, VA 22150 under Order #PB-227 158/HP: "THE FIRST TWO YEARS -- A REVIEW OF EPA'S ENFORCEMENT PROGRAM".

The Second report on EPA's Enforcement Program entitled, "EPA ENFORCEMENT -- TWO YEARS OF PROGRESS", covered air, water, and pesticide enforcement actions in the succeeding two-year period, December 1972 to November 1974 and was published in 1975. A limited supply is still on hand at EPA, and single copies may be requested by writing to EPA PUBLIC INFORMATION CENTER, PM-215, Washington, D.C. 20460.

The third report on EPA's Enforcement Program, entitled, "EPA ENFORCEMENT, A PROGRESS REPORT", covered air, water, noise, and pesticides enforcement actions from December 1974 through December 1975 and was published in June, 1976.

The present document covers the period January 1976 through September 1976. Copies of both the third and present reports may be obtained by writing to the EPA INFORMATION CENTER. When the initial supplies are exhausted inquiry should be made of the NATIONAL TECHNICAL INFORMATION SERVICE.

Requests for information concerning individual enforcement actions listed in any of the above reports should be directed to the Regional Enforcement Director of the EPA Regional Office shown as the initiating office. Addresses appear on the rear inside cover.

EPA ENFORCEMENT

A PROGRESS REPORT

1976

AIR
NOISE
WATER
PESTICIDES

RUSSELL E. TRAIN
ADMINISTRATOR

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ASSISTANT ADMINISTRATOR
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JANUARY 1977

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EPA PROGRESS REPORT

FOREWORD

This report, the fourth in a series of EPA Enforcement Progress Reports, covers the period January 1, 1976, through September 30, 1976. This time span was chosen to allow this report to begin the publication of the Progress Reports on the new Federal fiscal cycle. The reporting period is thereby synchronized with both the Federal fiscal planning cycle and with the EPA Management-By-Objective System, EPA's official management and reporting tool. This report documents enforcement activities carried out directly by the United States Environmental Protection Agency. As such, it enumerates only a portion of the environmental enforcement activities in this country. The enforcement of our nation's environmental laws is a task shared by the Federal, State and local governments. A continuation of that strong partnership of governments remains one of the Agency's highest priorities in accomplishing the task of improving the quality of our Nation's environment.

The decentralized structure of EPA as well as the substantial authorities exercised by States and local governments under our environmental laws place a premium on coordination and effective management at all levels. During 1976, the Office of Enforcement has made significant strides in improving the systems and processes which are necessary for improving management, coordination and effective application of resources. A review of enforcement systems and processes used in various offices was conducted to develop model systems that can be used to heighten efficiency and eliminate wasted resources. A similar review of automated data processing systems in use and future data needs was effected. A review of the NPDES permit program with a view towards its effective performance in the 1977-1983 time frame is well underway, relying heavily upon participation by State and EPA field personnel. This review is examining such areas as the appropriate role of public participation, EPA/State communication mechanisms, and administrative management processes.

Management systems and procedures within Headquarters of the Office of Enforcement were significantly strengthened to enhance the ability to provide effective national program leadership and management. Effective communications were further strengthened through periodic meetings with EPA Regional Office personnel and State and local representatives.

Steps were taken to improve State, local and public participation in development of policy planning and regulatory planning processes. An Enforcement Policy Index was developed, based on current EPA enforcement policy documents, and given to Regional EPA and State offices. All of these initiatives have contributed to an ever more streamlined and effective nationwide environmental enforcement effort.

A number of major enforcement actions have occurred in the interval since the end of fiscal year 1976. For example, criminal action against the Semet-Solvay coke plant at Ashland, Kentucky, for air pollution regulation violations led to a fine of $925,000. U.S. Steel and EPA signed a consent order to control particulate pollution from the Clairton Coke Works in Pennsylvania (the largest coke oven plant in the world), which will result in a particulate emission reduction to less than half of present levels. One recent action against General Motors will result in the recall of 530,000 automobiles; another recall order recently issued to Chrysler Corporation involves 208,000 vehicles. On October 5, 1976, Allied Chemical Corporation was fined $13.28 million (the largest fine ever imposed for violation of environmental regulations) for violations of the Federal Water Pollution Control Act by discharging the pesticide Kepone into Virginia's James River.

Despite the importance of these and the many other actions reflected in this Progress Report, we must not pause more than momentarily in our satisfaction with progress achieved, for many major tasks remain to be accomplished. I am confident that through the coordinated efforts of Federal, State and local governments we can reach our goal. Satisfactory environmental quality can become a reality throughout our Nation.

Stanley W. Legro

Washington, D.C.

January 1977

Stanley W. Legro
Assistant Administrator
for Enforcement

CHAPTER I

INTRODUCTION AND SUMMARY OF ACTIONS AND RESULTS

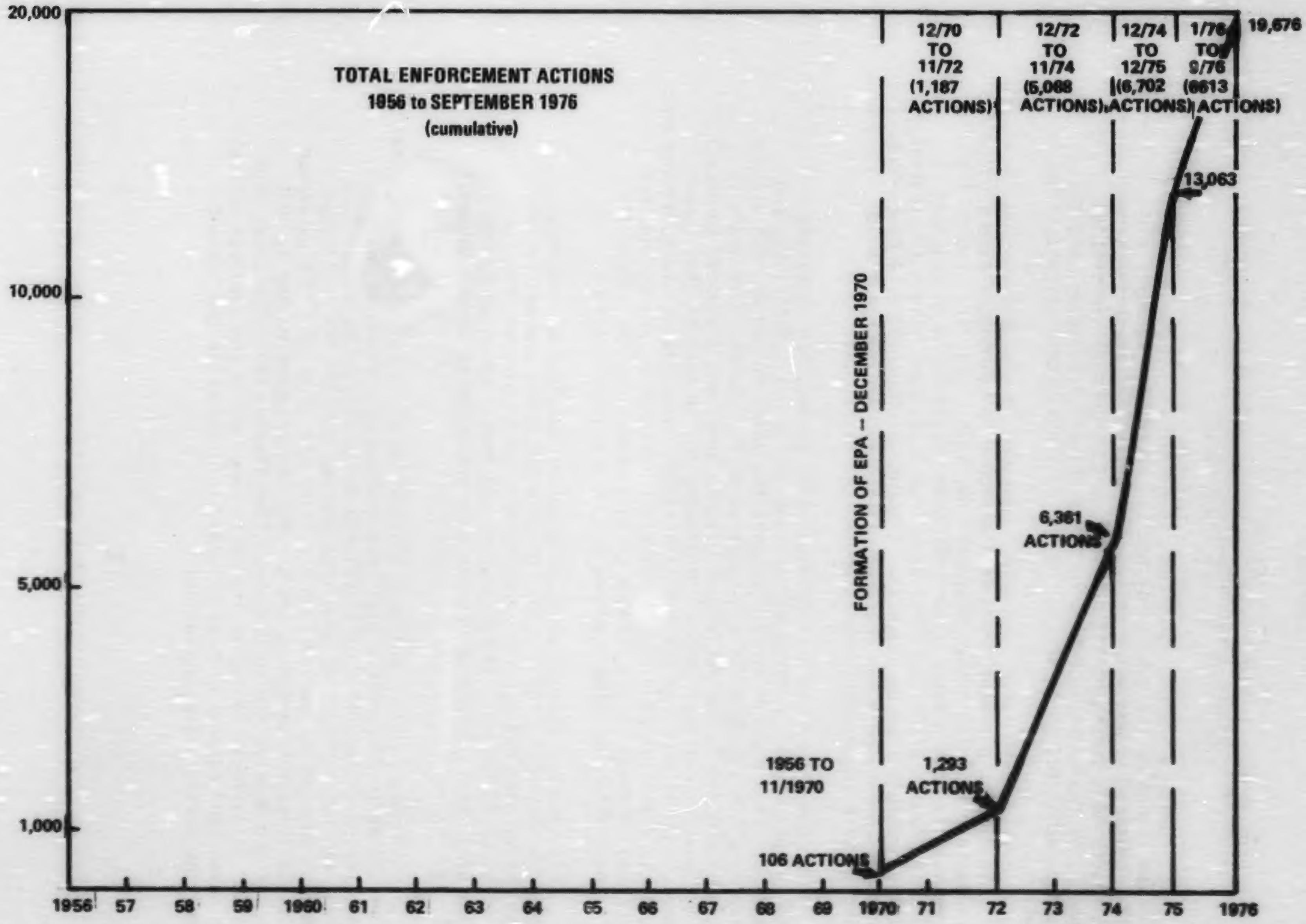
The report on the U.S. Environmental Protection Agency's air, noise, pesticides, and water enforcement activities presented here is the fourth in a series of volumes seeking to inform all interested segments of the American Public on the problems encountered, and the progress achieved, in enforcing the Nation's environmental protection laws.

The time span covered here is a period of nine months, extending from January 1, 1976 through September 30, 1976. The first two of the three volumes each covered a two year span, beginning with December 2, 1970, the day on which EPA first came into existence. The third covered thirteen months, from December 1974 through December 1975. A nine month period was chosen to allow this report, and succeeding reports, to coincide with the recently modified Federal fiscal year.

Over the January 1976 - September 1976 period, EPA initiated a total of 6613 formal enforcement actions in the air, pesticides, and water pollution program areas, bringing the total number of such actions taken in EPA's six years of existence to nearly 19,600. The types of actions involved in the individual program areas are discussed in detail in the several relevant chapters following in the text of this report. Name-by-name listings of the entities against whom EPA initiated enforcement actions, as well as other key information concerning each action, are presented in the Appendix section of this report, to the extent that such information had been reported by EPA's Regional Offices.

Pollution was abated, or compliance was obtained or underway without resorting to formal civil or criminal court proceedings or agency civil proceedings, in 3178 actions, or 48 percent. For 2502 actions, or 38 percent, administrative and formal court or agency proceedings were pending or results were not reported by the Regional Offices.

In 925 cases, or 14 percent, institution of formal civil or criminal court proceedings or agency civil proceedings was necessary, with resulting penalties/fines of $1,651,966 being imposed to date. This brings the total fines and penalties imposed in 3367 EPA-inititated actions reported as concluded in the first six years of EPA's existence to $11,797,953 not including the $1+ million assessed on May 4, 1976 against the Reserve Mining Company. ((See Chapter VI). The total does include $213,146 in 140 cases initially reported in the previous volume for which the Regional Offices provided information in the present reporting period. (See Tabulation)



TOTAL ENFORCEMENT ACTIONS
1956 to SEPTEMBER 1976
(cumulative)

SUMMARY OF DISPOSITION AND RESULTS OF AIR, PESTICIDES, AND WATER ENFORCEMENT ACTIONS

(As of September 1976)

A. ENFORCEMENT ACTIONS INITIATED BY EPA JANUARY 1, 1976 THROUGH SEPTEMBER 1976

ITEM	AIR		PESTICIDES	WATER	TOTAL
	STATIONARY SOURCES	MOBILE SOURCES			
Total Actions Initiated	719	1833	1614	2447	6613
RESULTS/STATUS:					
Pollution Abated or compliance Obtained or Underway via Administrative Action:	270 1/	1287	1345	276	3178
Formal Civil/Criminal Court or Agency Civil Proceedings Concluded:	1/	276	134 2/	515	925
Fines/Penalties Resulting:		$946,675	$166.621	$538,670	$1.651.966
Administrative and Formal Court or Agency Proceedings Pending or Disposition not Reported by the Regions:	449 1/	270	135	1648	2502

B. UPDATE ON DISPOSITION OF ACTIONS REPORTED PENDING IN PREVIOUS EPA REPORT

ITEM	STATIONARY SOURCES	MOBILE SOURCES	PESTICIDES	WATER	TOTAL
Total Actions Reported as Pending - December 31, 1975	Not Reported	3	231	Not Reported	234
Number of Actions Concluded in Subsequent 9-months Period:	"	Not Reported	140	"	140
Fines/Penalties Resulting	"	"	$213,146	"	$213,146

* The total number of actions initiated includes successive enforcement steps against any single source or violator not in compliance following EPA's initial action; the results are therefore reported in terms of actual sources/violations only.

1/ EPA Regional Offices no longer report on status/results of individual actions: The 270 actions cited are Administrative Orders issued during the period. 2/ Includes all actions under the EPA administered Civil Penalty Program. 3/ Includes Coast Guard-administered Civil Penalty Program for Oil Spills, and EPA-administered Spill Prevention Control and Counter-measures (SPCC) Civil Penalty Program, both under Section 311 of FPWCA.

EPA's various enforcement activities are highlighted below. The full range of efforts is addressed in detail in the chapters which follow.

ENFORCEMENT MILESTONES AND HIGHLIGHTS

FROM JANUARY 1976 THROUGH SEPTEMBER 1976

AIR---WITH THE STATES IDENTIFIED MORE THAN 21,731 MAJOR AIR POLLUTANT EMISSION SOURCES, MORE THAN 20,010 MAJOR STATIONARY SOURCE EMITTERS, REPRESENTING 92%, ARE NOW IN COMPLIANCE OR HAVE BEEN PLACED ON CLEAN-UP SCHEDULES

---COMPLIANCE WITH AIR POLLUTION REGULATIONS BY STATIONARY SOURCES NOW ESTIMATED TO KEEP 22.4 MILLION TONS OF PARTICULATE MATTER AND 7.4 MILLION TONS OF SULFUR OXIDES OUT OF THE AIR YEARLY.

---COMPLETED ACTION ON 62 OF THE 74 UNITS ISSUED PROHIBITION ORDERS UNDER ESECA PROVISIONS

---CONDUCTED 23,400 INSPECTIONS OF SERVICE STATIONS TO ENSURE COMPLIANCE WITH UNLEADED FUEL REGULATIONS

---SECURED THE VOLUNTARY RECALL BY AUTOMOBILE MANUFACTURERS OF 620,000 VEHICLES TO CORRECT EMISSION RELATED DEFECTS

NOISE---PROMULGATED ENFORCEMENT REGULATIONS FOR NEW PRODUCT EMISSION STANDARDS FOR MEDIUM AND HEAVY DUTY TRUCKS AND PORTABLE AIR COMPRESSORS

---OPENED A STANDARD TEST FACILITY IN SUPPORT OF NEW PRODUCT NOISE ENFORCEMENT

PESTICIDES---INITIATED OVER 1600 ACTIONS AGAINST VIOLATORS

---DEVELOPED AND IMPLEMENTED PILOT PESTICIDES USE OBSERVATION PROGRAM

---DEVELOPED ENFORCEMENT STRATEGY FOR THE CONTROL OF TOXIC SUBSTANCES

---INTRODUCED COOPERATIVE STATE ENFORCEMENT GRANT PROGRAM

WATER---NPDES PROGRAM APPROVAL WAS GRANTED TO THE VIRGIN ISLANDS

---AN INTERAGENCY AGREEMENT ON THE ENFORCEMENT OF SECTION 404 WAS SIGNED BY EPA AND THE U.S. CORPS OF ENGINEERS, AND THE DEPARTMENT OF JUSTICE

---INITIATED OVER 2400 ENFORCEMENT ACTIONS

CHAPTER II - A

STATIONARY SOURCE ENFORCEMENT

CLEAN AIR ACT (42 U.S.C. 1857 et seq.)
SECTIONS 110, 111, 112, 119

SECTION 110 -- STATE IMPLEMENTATION PLANS (SIP'S)

The Clean Air Act establishes a stringent timetable for the States and EPA to abate air pollution. With a few notable exceptions (e.g. sulfur oxide emission limitations for Indiana and Illinois), all States now have fully enforceable emission limitations for stationary installations which are the source of the large majority of particulate and sulfur oxide emissions. Particulate and SOx control is a key element of plans adopted to protect the public health and welfare.

The Act generally provided three years from the date of State plan approval by EPA to enforce SIP emission limitations and achieve health-related air quality standards. Except for portions of sixteen States, where an extension of up to two years has been granted for one or more pollutants, these ambient air quality standards were required to be met by May 31, 1975.

To reach the target levels of air quality, State, local and Federal enforcement programs have the responsibility for ensuring that stationary sources attain and maintain compliance with the SIP emission limitations. Enforcement responsibilities for State-developed, EPA-approved, emission limitations are shared by the States and EPA. The Clean Air Act recognizes that States have primary responsibility for achieving clean air within their jurisdictions. When States do not enforce air pollution standards, however, the Act requires EPA to take action. In accordance with the intent of the Act, EPA's air enforcement program is designed to ensure that all sources achieve compliance with applicable standards. EPA bolsters State air enforcement efforts by supporting State agencies through control agency grants, by providing specialized skill and expertise or special contractual efforts, and by taking enforcement actions against selected sources when the States cannot or will not enforce.

Source Compliance Status

Enforcement of standards for stationary sources is an immense task, viewing the fact that more than 200,000 stationary sources are now subject to the SIP emission limitations. Nearly 22,000 of these are Class A emitters, a category defined as facilities individually capable of emitting more than 100 tons of a pollutant each year. As a class, these major sources produce about 85 percent of all air pollution from stationary sources. Enforcement programs have thus focused on ensuring compliance by Class A sources in order to achieve the greatest possible emission reductions in the shortest possible time frame, consistent with the purposes of the Clean Air Act.

Concentrated efforts expended in this area have resulted in a highly successful program. By September 1976, the States and EPA had identified 21,731 Class A sources and had brought 20,010 (92%) of these into final compliance, or had placed them on firm schedules leading to compliance in the very near future. Of these, 18,466 major emitters were in final compliance, and 1,544 were complying with cleanup schedules. The compliance level is expected to climb to about 95 percent by the end of Fiscal Year 1977.

In the 9-month period, January 1976 through September 1976, EPA conducted some 5269 investigations, including plant inspections, opacity observations, emission tests, and compliance reports and initiated nearly 700 formal enforcement actions. At the same time, the States undertook clearly the largest portion of the compliance program, conducting the bulk of the total nationwide field investigation effort and initiating many thousands of enforcement actions to bring sources into compliance with SIP emission limitations.

Overall Reduction in Pollutant Emissions

A 1976 study for EPA shows that industry compliance with local, State, and Federal air pollution control requirements over the period 1970 through 1975 resulted in 22.4 million tons per year of particulates and 7.4 million tons of SOx being controlled that were not controlled when the Clean Air Act amendments passed in 1970. These reductions in emissions from stationary sources represent achievement of about three-quarters of the reduction goal to be reached under full compliance with existing SIP's for particulates, and about one-half of the goal for sulfur oxides.

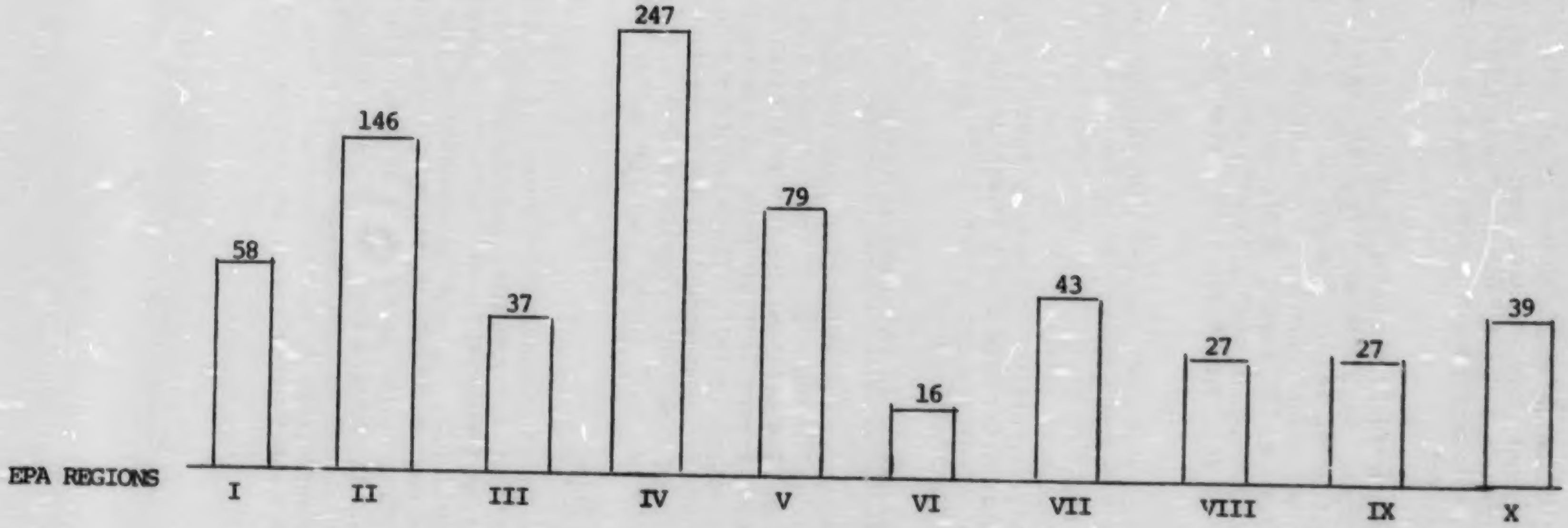
The Task Ahead

The 1,450 Class A sources (7 percent) which still violate emission standards or compliance schedules and the 271 Class A sources whose operations must yet be inspected to determine their compliance status, constituted the highest priority task outstanding at year's end. These sources rank among the most difficult to bring into compliance because they are, for the most part, large sources such as power plants and steel mills which have to date demonstrated considerable reluctance to make the necessary commitments to curb their emissions to the atmosphere. Thus, despite decided progress in SIP enforcement, State and Federal tasks with respect to large-source compliance are not yet completed.

STATIONARY SOURCE AIR ENFORCEMENT ACTIONS

INITIATED BY EPA REGIONS

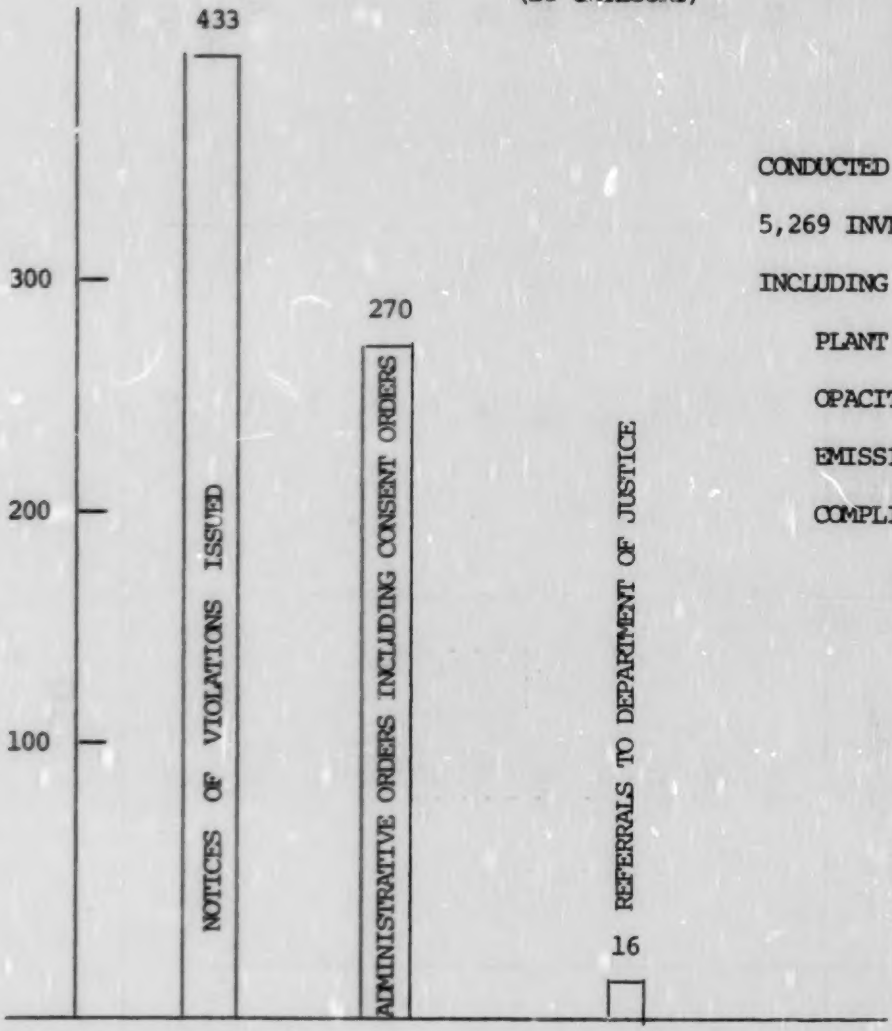
JANUARY 1, 1976 - SEPTEMBER 30, 1976



STATIONARY SOURCE AIR POLLUTION ENFORCEMENT

JANUARY 1976 - SEPTEMBER 1976

(BY CATEGORY)



CONDUCTED

5,269 INVESTIGATIONS

INCLUDING

- PLANT INSPECTIONS
- OPACITY OBSERVATIONS
- EMISSION TESTS
- COMPLIANCE REPORTS

TOTAL FORMAL
ENFORCEMENT
ACTIONS OVER
9 MONTHS: 719

STATE IMPLEMENTATION PLANS (SIP)-----------695

NEW SOURCE PERFORMANCE STANDARDS (NSPS)------17

HAZARDOUS AIR POLLUTANTS (NESHAPS)-----------7

COMPLIANCE STATUS OF CLASS A EMITTERS BY REGION
September 30, 1976

EPA Region	Total Class A Sources Identified	Compliance Status		
		Sources Complying With Standards Or Schedules	Sources Violating Standards or Schedules	Sources of Unknown Compliance Status
I	1156	1034	82	40
II	1822	1662	123	37
III	2750	2521	226	3
IV	4571	4104	452	15
V	4095	3690	351	54
VI	1916	1828	68	20
VII	1793	1660	35	98
VIII	641	601	37	3
IX	2178	2121	56	1
X	809	789	20	0
Total	21,731	20,010	1450	271

Most of the remaining major violators and most of the major sources of unknown compliance status are located in Air Quality Control Regions (AQCR's) which are not expected to attain the primary (health-related) National Ambient Air Quality Standards (NAAQS) in a timely way, making enforcement against such sources a priority of paramount importance.

In addition, it is estimated that about 130,000 smaller emitters (each having potential emissions of between 10 and 100 tons per year) are located in these areas where standards are not expected to be met.

States and EPA are now conducting extensive analyses to determine the reasons for poor air quality in each of the non-attainment areas of the country and will specifically identify for each AQCR those major and minor sources which are contributing to non-attainment problems. Preliminary analysis indicates that the minor sources making the largest contributions to air quality problems include such stationary sources as small industrial, commercial, and residential boilers; small incinerators such as apartment house incinerators; dry-cleaning operations; bulk storage tanks; cement handling equipment; cotton gins; feed and grain mills; and chemical plants. As the causes of non-attainment are identified in these complex analyses, and as the problem categories of sources are pinpointed, strategies will be devised and followed to bring violating sources into compliance and SIPs will be revised to ensure that appropriate emission limitations are in effect such that ambient levels can be attained.

PROBLEM MAJOR SOURCE CATEGORIES REGULATED UNDER SECTION 110

Several categories of major sources are still posing substantial problems across the Nation in not achieving compliance with emission standards within the time limits prescribed by the Act. Notable among these sources are coal- and oil-fired power plants, integrated iron and steel manufacturing plants and coking facilities, and primary smelters. EPA has undertaken special efforts to achieve compliance by these sources, and continues to bring pressure to bear on the owners and operators of these plants to reduce their pollutant emissions to levels specified in the relevant emission limitations.

In general, these three source categories have the most difficult air compliance problem because of the amount of control required and the associated costs of the control techniques needing application. For power plants, control of sulfur dioxide emissions is the major concern. Flue gas desulfurization systems (scrubbers) and low-sulfur fuels are two major approaches to the reduction of power plant emissions. On the other hand, control of fugitive particulate emissions is the most difficult problem for iron and steel mills and coke plants. This problem is underscored by the large degree of non-compliance at coking facilities. For primary copper, lead, and zinc smelters, control of sulfur dioxide emissions is a major difficulty; plants producing sulfuric acid are commonly required to remove the sulfur dioxide from stack gases. These industries accounted for about one-third of the total emissions of particulates and over two-thirds of the total emissions of sulfur dioxide in 1975. For this reason, compliance by all of these sources is crucial to the attainment of the ambient air quality standards in many AQCR's.

Power Plants

Control of emissions from power plants is essential to the attainment and maintenance of the health-related ambient air quality standards for sulfur oxides and particulate matter. As a class, the 688 large coal- and oil-fired plants in the U.S. emit nearly 60% of the total national emissions of sulfur oxides and are heavy contributors to ambient particulate loadings.

In the fall of 1973, it became increasingly apparent to EPA that progress to meet applicable State SOx emission limitations by this sector of industry was lagging severely. At that time more than 70% of the coal- and oil-fired capacity in the nation was being operated in violation of applicable SIP emission limitations, supplies of low-sulfur coal appeared insufficient to assure nationwide compliance with SOx regulations, and utilities were extremely reluctant to use flue gas desulfurization (FGD) to remove SOx from stack emissions while burning high-sulfur fuels. National public hearings were held to investigate the utilities' compliance problems, and the hearing panel concluded that the basic technological problems associated with FGD had been solved or were within the scope of current engineering and that FGD could be applied at a reasonable cost. At that time 44 such systems were installed, under construction, or planned around the country. In less than 3 years, Federal and State enforcement pressure has brought this total to 116 plants, 30 of which are operational, 21 of which are under construction, and 65 of which are in various stages of planning. These units total nearly 44,000 megawatts of generating capacity, representing about 50% of the estimated FGD-controlled capacity needed to achieve full compliance with SOx regulations by 1980.

This increase in applications of FGD systems and a concurrent increase in the use of low-sulfur coal has considerably improved compliance levels for SOx. About 59% of the nation's coal- and oil-fired capacity is now operating in full compliance with SIP SOx limitations or is meeting Federally enforceable schedules. About 13% is operating in violation, and the compliance status of the remaining 28% is now being reviewed. Many of these violators and those of unknown status are located in Ohio where a new SIP for SOx was recently promulgated and where a suit was immediately filed under §307 of the Clean Air Act. In addition, a generating capacity of 64,700 megawatts is not currently regulated due to pending SIP revisions for SOx in Indiana and for both SOx and particulate matter in Illinois.

The compliance picture is better for particulate matter. A total of 82% of the coal- and oil-fired capacity is meeting emission limitations or complying with schedules to meet these regulations, 16% is out of compliance or violating compliance schedules, and another 2% is of unknown compliance status. However, 8% of the capacity listed as in compliance is not now subject to applicable emission limitations. These plants may soon be subject to control requirements and will then require considerable compliance efforts.

Despite the positive accomplishments which have been made in obtaining compliance from the utility industry, several problems still exist. SIP revisions have yet to be finalized in Illinois and Indiana, and the plan recently promulgated in Ohio is still under challenge. This affects enforcement against 98 plants in these three States alone.

It is expected that court actions will be necessary to resolve some of the outstanding issues surrounding power plant compliance, but the fundamental problems of low-sulfur coal shortages and a lack of confidence in applying FGD technology are now resolved. The utility industrys' attitude toward compliance is much improved over that existing three years ago and EPA and States are now actively involved in developing solutions to those remaining problems posed by a number of recalcitrant power plants.

Primary Non-Ferrous Smelters

Though small in number, the nation's 27 primary copper, lead, and zinc smelters account for about 10 percent of the total sulfur oxides emitted by stationary sources. About one-half of these smelters are located in States where the attainment dates have been extended to mid-1977. Eight smelters are now in compliance with applicable regulations or are on schedules to achieve compliance. Four smelters are now operating in violation of SIP emission limitations for SOx or are of unknown compliance status. These sources are currently subject to enforcement actions. Of the remaining sources, 13 are located in States having inadequate SOx plans and two are in areas where no SOx regulation is needed. Enforcement efforts are now centering on developing adequate plans where needed and on pursuing compliance plans with violators.

SIP regulations require application of reasonably available retrofit control technology and, if necessary, allow the interim use of Supplementary Control Systems (SCS) and tall stacks until adequate constant emission control techniques become reasonably available. Each smelter using SCS is further required to conduct a research and development program to hasten the development of such technology.

Iron and Steel Mills/Coke Plants

There are 214 steel- and coke-producing facilities in the United States, most of which are located in areas of the country where the primary health-related ambient air quality standards for particulate matter have yet to be attained. The major air pollution sources within these 214 installations consist of 1,005 processes which convert raw materials into steel (by-product coke batteries, blast furnaces, sinter lines, open hearth furnaces, basic oxygen furnaces, and electric arc furnaces). During the past 18 months, EPA's enforcement program has devoted special emphasis to these major polluting processes. As of July 1976, EPA had taken 99 enforcement actions against these sources (58 formal notices of violation and 41 administrative orders and referrals to the Department of Justice for prosecution).

Compliance in the steel industry still lags far behind most other stationary sources. In October 1976, 489 (49%) of the major steel air pollution sources had yet to achieve full compliance with emission limits established under Section 110 of the Clean Air Act compared to a level of 14% for the nearly 22,000 total Class A sources. To date, State and EPA enforcement efforts have placed 298 (61%) of the 489 violating steel processes on schedule to achieve compliance, a level comparable to all Class A sources where schedules for 1,845 (60%) of the 3,071 Class A violators have been established. However, major progress has occurred, especially in the last year. As an example, control of pushing operations (a major source of fugitive emissions at coke batteries) has increased steadily such that the number of plants with at least one battery equipped with a pushing emission control device has risen from less than 3 in 1972 to nearly 20 at the present time. Acceptance of pushing control technology as well as widespread adoption of stage charging and other control practices has given the control program substantial momentum.

Although reasons for continued violations at any major steel mill are complex and related to unique local conditions, the steel industry has regularly raised a number of issues to argue for more time or for relaxation of air pollution requirements:

Impact of Fugitive Process Emissions

Fugitive process emissions are pollutants formed during an industrial process and which escape to the air without having been ducted to a smoke stack. Characteristically, fugitive process emissions are emitted from portions of the steel making operations which are difficult to seal or enclose. The steel industry regularly argues that fugitive process emissions are insignificant in terms of air quality impact. However, evidence from a number of completed and in-process studies shows that, while difficult to measure because not confined, fugitive process emissions have a major environmental impact and can be large in terms of mass emissions.

STATUS OF COMPLIANCE WITH EMISSION LIMITATIONS
MAJOR POLLUTION STEEL PROCESSES VS ALL MAJOR STATIONARY SOURCE INSTALLATIONS
SEPTEMBER 1976

Major Steel Processes	Total Number	Status of Compliance with SIP Emission Limits		
		In Compliance	In Violation	Unknown Status
Coke batteries	230	36	183	11
Sinter lines	57	23	33	1
Blast furnaces	195	127	65	3
Open hearth furnaces	143	48	84	11
Basic oxygen furnaces	68	30	33	5
Electric arc furnaces	312	194	85	33
Totals	1,005	458 (46%)	483 (48%)	64 (6%)
All Class A Installations[a]	21,731	18,466 (85%)	2,994 (14%)	271 (1%)

[a] This comparison shows the compliance status of the steel industry in the most favorable light, since the compliance status of individual processes within steel facilities is being compared to the status of total installations with major potential air pollution problems (the source of the stationary source compliance figures is the EPA formal reporting system; under this system a facility having several processes, only one of which is in violation or of unknown status, must be classified as in violation or unknown as a whole).

Economic Impact

In general, the steel industry has made a variety of arguments that the cost of controlling air pollution (especially control of fugitive emissions) far exceeds any benefits. However, it must be recognized that nearly all major U. S. steel mills were established prior to World War II and many continue to operate older, less profitable equipment. Therefore, irrespective of pollution control costs, profits for the steel industry are among the lowest for principal U. S. manufacturing industries (typically 5% to 10% of net worth). In many instances, a better alternative to the controlling of old, less efficient existing facilities is the construction of new, better controlled and more productive replacement facilities.

Energy Issues

The steel industry contends that the large amount of energy needed to abate air pollution conflicts with national energy policy and the American Iron and Steel Institute has argued this issue in many forums. In general, EPA has found that the industry estimates of energy needs are exaggerated, being based on the application of the most energy-intensive control techniques and not considering the recycling of energy.

Control Feasibility

The steel industry contends that technology for control of air pollution (especially fugitive emissions) is not available to meet many emission limitations. Pressure by State and EPA enforcement programs over the past five years, however, has shown that institution of improved management procedures and application of existing control technologies can achieve compliance. In addition, research by both EPA and the industry into new pollution control technologies has been greatly stimulated and a number of new, less expensive control techniques are under development.

United States v. Allied Chemical Corporation (Semet-Solvay Division)

On October 29, 1976, sentence was imposed in a major criminal action brought pursuant to Section 113 of the Clean Air Act (42 U.S.C. 1857c-8) for violations of an EPA order requiring source compliance with a State implementation plan. The criminal information initiating United States v. Allied Chemical Corporation (Semet-Solvay Division), Criminal No. 76-14 (E.D. Ky., filed June 10, 1976), alleged 88 violations, which occurred on 37 separate days, of an administrative order issued on February 12, 1975, by EPA's Region IV Office under Section 113 of the Clean Air Act. The EPA order included compliance schedules for the defendant's two coke batteries at Ashland, Kentucy, designed to bring these facilities into compliance with the requirements of the State of Kentucky's Section 110 implementation plan.

Allied entered a plea of nolo contendere to the criminal information on September 9, 1976. Allied was fined $925,000 for the 37 days its Ashland plant was cited for violations of the order. All but $125,000 of the sentence, plus court costs, was conditionally suspended by the court, and is to be paid by Allied within 30 days of the sentencing hearing. If, during any subsequent 60-day period, the plant is in substantial non-compliance with the terms of the administrative order, it is liable for an additional sum of $100,000. This probationary requirement remains in effect for five years, or until the sum of $925,000 has been paid, whichever occurs first. Refusal by Allied to make timely payments on any additional fine which may be imposed will result in the entire balance of the original fine becoming immediately due. EPA's Region IV office is required to report Allied's compliance status to the court during each 60-day period.

Thus while numerous violations from various processes are still occurring at most steel mills, many of these violations are currently the subject of EPA and State enforcement actions. Compliance by 31 of the largest integrated mills and major coke plants is of particular importance due to their large actual and potential impact on air quality. Enforcement of SIP requirements at 31 major plants has resulted in two successful civil/criminal prosecutions to obtain compliance and nine federally enforceable consent agreements or administrative orders; in addition, source owners for 18 of these plants are now negotiating compliance programs with EPA and State agencies, and two plants are the principal subjects of SIP revisions. EPA is also conducting several in-house and contractual studies on control technologies and cost factors as aids in resolving some of the areas of conflict with this industry when negotiating compliance plans.

New Source Review

Also under §110 of the Act is EPA's responsibility for ensuring that new construction and expansion of industrial sources neither causes nor contributes to non-attainment nor causes significant deterioration of air quality. Many States do not yet have adequate new source review programs laid out and some of those that do are not able to implement them to the extent needed to ensure later attainment and maintenance of ambient standards. EPA is now in the process of assisting States in evaluating current procedures and in developing and implementing effective strategies to assess the impact on the ambient standards in permitting potential new sources.

Uncontrolled industrial growth in areas barely attaining standards would seriously jeopardize air quality gains made to date, and create difficult, if not impossible, re-attainment problems. EPA's policy in this regard is not to limit growth but to act as a catalyst in ensuring that the goals of industrial expansion and environmental protection are accomplished together. Inherent in the review program for new construction is EPA's ability to assist industry in locating environmentally sound alternative construction sites. Control of HC emissions from stationary sources in order to attain the ambient standards for oxidants is an excellent example of the problems facing the stationary enforcement program with regard to new source review. Postponement of automobile standards designed to reduce photochemical oxidant levels makes control of stationary sources, both new and existing, imperative. In many nonattainment areas for oxidants, such as Los Angeles and Houston-Galveston, very difficult judgments must be made as to control levels to be met by existing and potential sources before new construction can proceed.

SECTION 111 -- NEW SOURCE PERFORMANCE STANDARDS (NSPS)

The first group of standards covering new stationary sources of air pollution were promulgated in December 1971, pursuant to the provisions of Section 111 of the Clean Air Act. This initial group included steam electric power plants, municipal incinerators, nitric and sulfuric acid plants, and asphalt cement plants.

By September 1976, the NSPS program had grown to cover 493 new sources in 24 industrial categories and a national compliance level of about 92 percent had been achieved. In accomplishing this objective, EPA initiated 17 enforcement actions in 1976.

As additional new source categories receive regulatory coverage, and as additional sources now under construction commence operations, the NSPS program will assume increasing relative importance within the framework of attaining, and maintaining, ambient air quality standards.

To expand resources available for enforcement and consistent with the mandate of the Clean Air Act, EPA is undertaking efforts to delegate enforcement authority to State and local air pollution control agencies. By September 1976, authority to carry out the NSPS program had been officially delegated to 20 State and 18 local agencies, and proposals for delegation were being discussed with many others.

SECTION 112 -- NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS)

On October 14, 1975, EPA promulgated amendments to NESHAPS regulations for asbestos and mercury. These regulations establish asbestos emission standards for the manufacturing of shotgun shells and asphalt concrete, the fabrication of various asbestos products including cement building products and friction products, the disposal of asbestos wastes, as well as standards for mercury emissions for sewage sludge incineration and drying operations.

On October 21, 1976, EPA also promulgated standards for the control of vinyl chloride emission from ethylene dichloride, vinyl chloride, and polyvinyl chloride plants.

By September 1976, EPA had determined that 899 industrial sources are subject to promulgated asbestos, mercury, and beryllium requirements. Ninety-four percent of these sources are in compliance with the standards. About 60 additional sources are subject to the new vinyl chloride regulations and work is now underway to establish compliance plans for these sources. By September 1976, 14 states and 20 local agencies had requested and were delegated enforcement authority for NESHAPS.

SECTION 119 -- ENERGY RELATED AUTHORITY

In reaction to the oil embargo of 1973-74, Congress enacted the Energy Supply and Environmental Coordination Act (ESECA). ESECA, which became law on June 22, 1974, mandated the implementation of a national program to conserve petroleum products and natural gas and increase the use of coal by major fuel consumers. The Office of Coal Utilization of the Federal Energy Administration (FEA) is primarily responsible for implementation of Section 2 of ESECA which directs FEA to prohibit certain powerplants and authorizes FEA to prohibit certain major fuel burning installations from burning natural gas or petroleum products as a primary energy source. Such prohibitions effectively mandate the use of coal.

Section 111 of ESECA amended the Clean Air Act by adding a new Section 119 which provides EPA with new authorities intended to assure that air quality requirements will not interfere with the coal conversion program so long as public health is adequately protected. Under ESECA, FEA cannot make a prohibition order effective until the date EPA certifies that the plant or installation in question will be able to comply with all applicable air pollution requirements. Once a plant or installation receives a prohibition order, it may become eligible for a Compliance Date Extension (CDE), but only if it meets the rather severe eligibility tests of Section 119 (including a showing of need for an extension and ability to comply by 1/1/79).

For any plant which has received an FEA prohibition order, Section 119 of the Clean Air Act, as amended, requires EPA to: (1) notify FEA that the source will be able to burn coal and comply with all applicable air pollution requirements without a CDE, or (2) in the absence of such a notification, certify to FEA the earliest date by which the source will be able to burn coal and comply with air pollution requirements. (If a source is ineligible for a CDE, EPA must still certify to FEA the earliest date such source can comply with air pollution requirements.) FEA cannot make its prohibition order effective any earlier than the date certified by EPA.

On June 30, 1975, FEA issued prohibition orders to 74 generating units at 32 utilities. As of November 30, 1976, EPA has (1) notified FEA that 11 units could burn coal and comply with all applicable air pollution requirements without a CDE, (2) certified to FEA that 35 units require upgrading of existing air pollution control equipment or installation of new equipment before burning coal, (3) proposed CDE's for 4 units in the Federal Register, and (4) issued CDE's to 16 units. Action on 4 units has been postponed pending revision of the applicable state implementation plan and action on 4 additional units cannot be completed pending the outcome of EPA enforcement proceedings to obtain necessary information from the affected utilities. Thus, EPA has completed action on 62 of the 74 units issued prohibition orders.

STATUS OF ESECA ACTIONS

December 1, 1976

A. NOTIFICATIONS COMPLETED (Source can burn coal and comply with all applicable air pollution requirements immediately without a CDE) — TOTAL 11 units

McWilliams #3
Weston #2
Ames #7
Sheldon #1
Quindaro 3, #1,2
Des Moines #10,11
Maynard #14
Sutton #1,2

B. CERTIFICATIONS COMPLETED (Source requires some upgrading/new control equipment before burning coal in compliance) — 35 units

Kaw River #2
Edge Moor #1,2,3,4
Crane #1,2
Wagner #1,2
Riverside #4,5
Winnetka #5,6,7,8
St. Clair #5
Hawthorne #4,5
Sheldon #2
Chesterfield #3,4,5,6
McManus #1,2
Morgantown #1,2
Portsmouth #1,2,3,4
Albany #1,2,3,4

C. COMPLIANCE DATE EXTENSIONS PROPOSED IN F.R. — 4 units

Sutton #3
Port Wentworth #1,2,3

D. COMPLIANCE DATE EXTENSIONS PROMULGATED — 16 units

Sutherland Station #1,2,3
Neal Station #1
Lawrence Station #3,4,5
Tecumseh Station #9,10
James River #3,4
Hawthorne #3
Shiller #4,5
Kaw River #1,3

E. DRAFTING NOTIFICATION/CERTIFICATION LETTERS — 2 units

Crystal River #1,2

F. POSTPONEMENT SIP REVISION — 4 units

B. L. England #1,2
Danskammer #3,4

G. NO SUBMITTAL UNDER PART 55 — 2 units

Yorktown #1,2

CHAPTER II - B

MOBILE SOURCE ENFORCEMENT

The Mobile Source Enforcement program is directed primarily toward achieving compliance with vehicle emission standards, fuel regulations, and mobile source related aspects of state implementation plans promulgated by EPA under the Clean Air Act. The activities of the program include preventing introduction of uncertified new domestic and imported vehicles into commerce; auditing certification procedures of domestic and foreign automobile manufacturers; enforcing vehicle assembly line emission test activity and the recall, warranty, anti-tampering, and imports provisions of the Act; developing and enforcing Federal regulations for the removal of lead from gasoline; and ensuring compliance with transportation control plans, mobile source related vapor recovery regulations, and inspection and maintenance programs.

Inspection/Investigation Program - Section 206(c) of the Clean Air Act authorizes the enforcement activities related to emission requirements for "new" motor vehicles or engines - i.e., motor vehicles or engines which have not yet been sold to the ultimate purchaser. This authority includes right of entry for the purpose of conducting tests of vehicles in the hands of the manufacturer and for inspecting records and facilities used by the manufacturer in complying with the Act and regulations thereunder. Section 208 of the Act authorizes written inquiries by the Agency in order to determine whether a manufacturer is or has been acting in accordance with the Act and regulations thereunder.

Since January 1, 1976, mobile source enforcement personnel have conducted 62 inspections of domestic and foreign motor vehicle manufacturers. Such inspections include detailed audits of procedures and records, and visual inspection of facilities and vehicles in order to determine whether manufacturers are and have been acting in compliance with the Clean Air Act and its regulations.

A total of seven vehicle manufacturer investigations have been conducted since January 1, 1976, some of which arose from inspections. These investigations consist of a search of vehicle manufacturer records and documents and interrogation of individuals to determine whether violations of the Clean Air Act and its regulations have occurred. Issuance of requests for production of information pursuant to section 208 of the Act frequently accompany such investigations, and such requests include requiring the manufacturer to develop emission test data where violations may be accompanied by effects on emission performance. Since January 1, 1976, twelve section 208 letters have been issued.

Out of the seven investigations, one case was referred to the Department of Justice for legal action. That referral dealt with Chrysler Corporation's introduction into commerce of 9,185 vehicles which were not covered by a certificate of conformity.

Selective Enforcement Audit Program - On July 28, 1976, regulations were published establishing a program for testing new production vehicles at the assembly line in order to assure that they comply with emission standards. The program is called Selective Enforcement Auditing (SEA) and involves the testing, pursuant to an administrative order and in accordance with the Federal Test Procedure, of a statistically representative sample of production vehicles from a specified configuration. If nonconformity is established, EPA may suspend or revoke the certificate of conformity.

The SEA program is being run on a trial basis until December 31, 1976. Test orders are being issued but no enforcement sanctions will be imposed as the result of vehicles failing to meet emission standards. One trial audit each will be run for American Motors, Chrysler, Ford, and General Motors.

Starting January 1, 1977, the SEA regulations become fully effective. Two audit teams will be utilized to conduct a total of twenty audits for model year 1977.

Recall Program - Section 207(c) of the Clean Air Act authorizes EPA to order recall of vehicles if they do not conform to emission standards. Since January 1, 1976, EPA has initiated 28 recall investigations. Thus far in 1976, as a result of EPA investigations, manufacturers have initiated recalls on approximately 620,000 vehicles. These recalls are being monitored by EPA.

Warranties and Aftermarkets Parts Program - The warranty provisions of the Clean Air Act are designed to help assure that manufacturers develop and produce vehicles that meet emission standards throughout their useful lives. The production warranty provision in section 207(a) of the Clean Air Act requires that the manufacturers warrant that the vehicle or engine meets applicable emission standards at the time of sale, and is free from defects which, during the useful life, may cause the vehicle or engine to fail to comply with the emission standards.

Although this provision has been in effect since the 1972 model year, it has proved of little utility to consumers experiencing difficulties with their vehicle's emission control system. The Agency believes that this is because consumers do not know with any precision what components and failures are covered by the section 207(a) warranty and, when they do make claims, are unable to sustain the burden of establishing that the failure is indeed a defect causing the emissions to exceed Federal standards, as section 207(a) is generally interpreted to require. To overcome these difficulties and to make section 207(a) useful to consumers with legitimate claims, the Agency intends ultimately to promulgate regulations defining the coverage of this provision. Major activities since December 1974, in support of this long-range goal, include the completion of an advance notice of proposed rulemaking. To provide technical support for this program, the relationship of defective vehicle components to emissions is being investigated under contract. EPA also has continued to review owner's manuals to see that the section 207(a) warranty is provided to consumers in language which adequately reflects the statutory intent.

The performance warranty provision in section 207(b) of the Clean Air Act, when implemented, will require that a manufacturer warrant that properly maintained and used vehicles and engines comply throughout their useful lives with emission standards when in actual use. This provision has not been implemented because of the technical difficulty of identifying relatively quick and inexpensive emission tests which "are reasonably capable of being correlated" with the sophisticated test used on prototype vehicles, as section 207(b) requires. Major activities in this area since January 1, 1976, include the drafting of proposed test procedures and warranty regulations for publication in the Federal Register early in 1977.

Anti-tampering Program - Section 203(a)(3) makes it a prohibited act for any manufacturer or dealer to knowingly remove or render inoperative a vehicle's emission control system after sale of the vehicle to the ultimate purchaser. From January 1, 1976, approximately 25 tampering inspections and interviews have been conducted. Six cases were referred to the Department of Justice for action. At least eight other cases are being processed for referral to the Department of Justice. To date, nine tampering cases have been successfully prosecuted, resulting in civil penalties totaling $9,000.

Imports Program - Section 203(a)(1) and 203(b)(2) give EPA responsibility for enforcing compliance of imported motor vehicles with emission standards. In conjunction with the Bureau of Customs, EPA has monitored importation of an estimated 2-1/2 million commercial and privately owned vehicles since January 1, 1976. Through that program, 1,200 noncomplying vehicles imported under bond have been modified pursuant to administrative orders. In addition, 75 nonconforming vehicles have been exported pursuant to administrative orders. Penalties totaling $760,000 have been assessed through Customs for noncompliance with the regulations.

EPA has conducted 33 investigations of alleged illegal importations. One case was referred to the Justice Department for prosecution.

Fuels Enforcement Program - EPA has responsibility for enforcing section 211(c)(1) of the Clean Air Act relating to the regulation of fuels and fuel additives. On January 10, 1974, EPA promulgated regulations requiring the general availability of unleaded gasoline by July 1, 1974, for use in 1975 and later model cars equipped with catalytic emission control systems.

EPA has established a nationwide Fuels Enforcement Program for ensuring that affected retail outlets are in compliance with these regulations. This program includes sampling of the fuel at retail outlets by Regional EPA Field Inspectors and State Inspectors under EPA contract and the analysis of the samples for lead content.

From January 1, 1976 to September 30, 1976, EPA has conducted approximately 23,400 inspections of service stations to ensure compliance with the unleaded fuel regulations. At the stations, 20,800 gasoline samples were taken, of which about 1.35% were found to be contaminated with lead. Approximately 3,500 minor violations were also found during this period. Enforcement has issued approximately 3,125 warnings and 536 complaints, and has collected $186,325 in penalties during this period.

Generally, warnings are issued for minor violations, and complaints are issued for contaminations, other major violations, deliberate violations, repeated violations, and failure to respond to warnings. The warning generally allows the violator to come into compliance in a reasonable time. A complaint is usually issued against the retailer, the distributor, and the branded refiner with each given an opportunity to establish an affirmative defense. In many of these cases, penalties are imposed.

Lead Phasedown Program - On December 6, 1973 (38 FR 33734), the EPA issued regulations pursuant to section 211 of the Clean Air Act controlling the amount of lead additives used in gasoline. The original lead reduction schedule limited the average amount of lead in gasoline to a maximum of 1.4 grams per gallon (gpg) in 1976, 1.0 gpg in 1977, 0.8 gpg in 1978, and finally to 0.5 gpg by January 1, 1979. These regulations were challenged in court and, in 1974, the U.S. Court of Appeals for the D.C. Circuit set aside the regulations. Subsequently, the EPA suspended enforcement of the regulations. In March 1975 the Court granted the Agency's petition for a rehearing *en banc*. The full Court issued its opinion upholding the regulations in March 1976. Certiorari was denied by the Supreme Court on June 14, 1976.

On September 24, 1976, based on studies indicating that gasoline shortages would result if the original schedule were enforced, EPA amended the regulations. The amended regulations retain the 0.5 gram per gallon standard, but extend the period for compliance with that standard from January 1 to October 1, 1979, in order to permit sufficient time for refiners to install the equipment necessary to meet the reduced lead level without causing a gasoline shortage. The January 1, 1978, standard of 0.8 gram per gallon also remains in effect but will be suspended if a refiner can show that he has taken, and is continuing to take, sufficient actions in procuring and installing equipment to insure the achievement of the 0.5 gram per gallon standard by October 1979 or before. Separate treatment of small refiners (30,000 barrels per calendar day or less crude oil capacity) with regard to the final lead level requirement is under active consideration.

Inspection/Maintenance and Transportation Control Plans - During the past year, EPA has made efforts to assure the implementation of State Inspection/Maintenance programs and transportation control measures. Establishment of these programs will reduce emissions from vehicles in-use and will help assure that National Ambient Air Quality Standards for carbon monoxide and photochemical oxidants are achieved in certain Air Quality Control Regions.

While Title I gives EPA the authority to ensure enforcement of Inspection/Maintenance and of Transportation Control Plans, recent Circuit Court decisions relating to enforcement of these measures have taken differing views on the issue of whether EPA has the authority to take enforcement actions directed at governmental bodies. This issue is now before the Supreme Court for final resolution. The courts have, however, unanimously upheld EPA's authority to take enforcement actions against individual sources.

Stage I Vapor Recovery - Regulations requiring the control of vapors emitted during transfer operations in the gasoline marketing chain have been promulgated under section 110 of the Clean Air Act. EPA has promulgated Stage I vapor recovery regulations in 13 air quality control regions. Stage I involves the recovering of vapor emitted during the filling of delivery trucks and the subsequent filling of underground storage tanks.

The final compliance date in most areas was March 1, 1976. In some cases, this date has been extended until May 31, 1977. EPA Regional Offices, and States and local offices are now beginning a field compliance monitoring program.

Stage II Vapor Recovery - Regulations to control gasoline vapors during vehicle refueling, Stage II vapor recovery regulations, were promulgated in the original State Implementation Plans, under section 110 of the Clean Air Act, in late 1973 and early 1974. These regulations specified that 90% of gasoline vapors emitted during vehicle refueling must be recovered but did not include a test procedure for evaluating a system's performance. In October 1975, revisions were proposed to the regulations. The revisions included establishing a mass emission standard rather than the 90% recovery requirement and proposed several test procedures to determine whether a system complies with the standard. Under this proposal, EPA would have conducted a certification program during which systems would be tested prior to installation. If the system achieved the standard, it would be certified by EPA as being acceptable for installation. The test procedures were very complex and expensive and were not suitable for use as a field test after the system was installed. The lack of a viable means to test system performance after installation was a major shortcoming since the performance of Stage II equipment is particularly sensitive to the manner in which it is installed, maintained, and operated.

During the past year, the Office of Enforcement developed a short test that could be used to test the performance of Stage II equipment in the field. Based on the development of this test, the Stage II vapor recovery regulations were reproposed in November 1976. The new proposal abandons the earlier system certification approach and adopts in-use field enforcement as the primary means for assuring compliance with the regulatory requirements. The new proposal also allows small marketers more time than the major oil companies to meet the regulatory requirements.

MOBILE SOURCE ENFORCEMENT

CASES REFERRED BY EPA TO THE DEPARTMENT OF JUSTICE

January 1, 1976 - September 30, 1976

A. CERTIFICATION AND PRODUCTION COMPLIANCE INSPECTIONS/INVESTIGATIONS

Name: CHRYSLER CORPORATION
Offense: Alleged violation of section 203(a)(1) of CLEAN AIR ACT--introducing vehicles into commerce not covered by "Certificate of Conformity" due to incorrect emission components being installed on certification test vehicles
Date Referred: August 3, 1976
Status: Pre-trial discovery in progress

B. TAMPERING

Name: MANZI DODGE, Laurence, Massachusetts
CHRYSLER CORPORATION, Detroit, Michigan
Offense: Alleged violation of anti-tampering prohibition under section 203(a)(3) of CLEAN AIR ACT
Date Referred: January 26, 1976
Status: Pre-trial discovery in progress

Name: LALLAS BUICK INC., Lowell, Massachusetts
Offense: Alleged violation of anti-tampering prohibition under section 203(a)(3) of CLEAN AIR ACT
Date Referred: April 1, 1976
Status: Complaint filed July 1976. Settlement discussions in progress.

Name: STANLEY MOTORS INC., Irvington, New Jersey
Offense: Alleged violation of anti-tampering prohibition under section 203(a)(3) of CLEAN AIR ACT
Date Referred: May 26, 1976
Status: Referred to Assistant U.S. Attorney, July 1976

Name: BLOOM MOTORS LTD., Hazelwood, Missouri
Offense: Alleged violation of anti-tampering prohibition under section 203(a)(3) of CLEAN AIR ACT
Date Referred: June 1, 1976
Status: No complaint has been filed.

Name: MARTIN CENTERS (d/b/a Sprung Buggworks), Kansas City, Missouri
Offense: Alleged violation of anti-tampering prohibition under section 203(a)(3) of CLEAN AIR ACT
Date Referred: September 16, 1976
Status: Complaint filed November 1, 1976

C. IMPORTS

Name: WOOD & MOORE, Houston, Texas
Offense: Alleged violations of 18 USC 371, 18 USC 1001, 42 USC 1857c-8(c)(2), 42 USC 1857f-2(a)(1) -- conspiracy to illegally import and sell four nonconforming vehicles by means of false statement
Date Referred: March 3, 1976
Status: Parties are participating in pretrial discussions

MOBILE SOURCE ENFORCEMENT

January 1, 1976 through September 30, 1976

(By Category)

PROGRAM AREA	ACTIVITIES/ACTIONS/RESULTS	
Inspection/Investigation of Auto Manufacturers	62 Inspections 20 Foreign 42 Domestic 7 Investigations	1 Prosecution Referral 12 Section 208 Letters
Tampering	25 Investigations	5 Prosecution Referrals $350 Civil Penalties
Recall	28 Investigations 12 Manufacturer Initiated Recalls	620,000 Vehicles
Imports	33 Investigations	1 Prosecution Referral 1,200 Vehicles Modified 75 Vehicles Exported $760,000 Civil Penalties Assessed
Fuels	23,400 Service Station Inspections 20,800 Gasoline Samples Analyzed 3,125 Warnings Issued	536 Complaints Filed $186,325 Civil Penalties
TCP/ I/M	6 On-going I/M Programs 46 Section 114 Letters Sent to Employers	1 Prosecution Referral 2 Orders Issued

CHAPTER III

NOISE ENFORCEMENT

The Noise Control Act of 1972, October 27, 1972
Public Law 92-574 (42 U.S.C. 4901 et seq. 1972)

The Noise Enforcement Program is designed to implement the noise enforcement strategies developed pursuant to the Noise Control Act of 1972. EPA's Noise Enforcement Division is responsible for the development and subsequent implementation of the enforcement regulations that are necessary to ensure compliance with the new product standards and the labeling requirements. Furthermore, the Noise Enforcement Division will monitor the U.S. DOT's enforcement of interstate motor carrier and railroad noise regulations, will review the noise enforcement actions of other Federal agencies, and will provide assistance to States and localities to develop and implement noise enforcement programs.

Enforcement of New Product Noise Emission Standards

On January 14, 1976, new product noise emission standards were promulgated for portable air compressors; on April 13, 1976 standards were promulgated for medium and heavy duty trucks. Additional standards are presently being developed for motorcycles, buses, wheel and crawler tractors, truck refrigeration units, and truck-mounted solid waste compactors. These products were identified as major noise sources on May 28, 1975.

The first level of the truck noise emission standard becomes effective on January 1, 1978. The compressor noise emission standard becomes effective on January 1, 1978 for compressors whose capacity is 250 cfm or less and on July 1, 1978 for compressors with capacities greater than 250 cfm.

The enforcement strategy for compressors and trucks consists of three parts:

(1) Production verification
(2) Selective enforcement auditing
(3) In-use compliance

Production verification is the testing by a manufacturer of early production units to demonstrate that the manufacturer has the necessary noise control technology in hand and is capable of applying it to his production process to produce complying products. Production verification is required each year before distribution in commerce, when a new model is introduced, or when a significant change occurs to a previously verified product. EPA will monitor or conduct a percentage of the production verification tests that will be required each year.

Selective enforcement auditing is testing pursuant to an administrative request of a statistical sample of products to determine that subsequent to the initial verification the manufacturers are producing on a continuing basis products that comply with the applicable noise emission standard. Under selective enforcement auditing, EPA selects the manufacturer and products to be audited, issues the test request, monitors or conducts the test, and analyzes the resulting data. This strategy will provide the basis for further enforcement action in the case of noncompliance.

In-use requirements include anti-tampering provisions, maintenance instructions, a product label, and a time-of-sale warranty which a manufacturer must provide to the purchaser.

Product Labeling

NED is presently developing a strategy for the enforcement of product labeling requirements that will be promulgated pursuant to Section 8 of the Noise Control Act of 1972. The first product that will be regulated under this section of the Act is hearing protectors.

Noise Enforcement Facility

On October 14, 1976, EPA dedicated its Noise Enforcement Facility (NEF). The Facility is located at NASA's Plum Brook Station in Sandusky, Ohio.

The test facilities comprise the Government's standard enforcement test site and will be used by EPA to conduct enforcement testing, to monitor and correlate with a manufacturer's compliance testing, to train regional, State, and local enforcement personnel, and to monitor the effectiveness of Federal noise enforcement programs.

Additionally, EPA has one Mobile Noise Enforcement Facility (MoNEF) and has contracted for a second to support the Sandusky facility.

The NEF and MoNEF's provide the acoustical testing capability necessary for the successful enforcement of new product noise emission standards and labeling requirements promulgated under the Noise Control Act.

Enforcement provisions of the truck and air compressor regulations place the burden of noise testing on the manufacturer of such products. The regulations also provide the Environmental Protection Agency with authority to request products from a manufacturer for independent testing in addition to that testing conducted by the manufacturer. These procedures were designed to allow the manufacturer to be in control of his production process, including compliance noise testing, while at the same time satisfying EPA's responsibility to maintain effective oversight and enforcement as necessary.

The NEF and MoNEF's will be used to conduct and monitor both production verification and selective enforcement audit testing, to monitor and to correlate with a manufacturer's test facility, to train regional, State and local enforcement programs, and to monitor the effectiveness of other Federal noise enforcement programs.

Presently, EPA is using both the NEF and MoNEF's to conduct a comparison testing program with the manufacturers of portable air compressor and medium and heavy duty trucks prior to the effective date of the noise emission standards for these products.

State and Local Assistance

The Noise Control Act places the major responsibility for noise control with State and local governments. Therefore, the Noise Enforcement Division, in cooperation with the office of Noise Abatement and Control and EPA Regional personnel will provide assistance to State and local governments. State and local jurisdictions may adopt and enforce regulations: identical to the interstate motor carrier and railroad regulations, more stringent than the truck and railroad regulations if the Agency grants a preemtion waiver, identical to the new product regulations, regulating new products which EPA has not regulated, and traditional community regulations including property line limits and nuisance provisions. The Agency has published a Model Community Noise Ordinance. The Agency is also developing a Community Noise Ordinance Workbook and revisions to the existing Model State Noise Act.

CHAPTER IV

EPA ENFORCEMENT OF THE PESTICIDE LAW

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

As Amended (7 U.S.C. 135-135k, 136-136y -1972)

With the 1972 passage of an amendment to the Federal Insecticide, Fungicide, and Rodenticide Act of 1947 (FIFRA), the Environmental Protection Agency was given broad new responsibilities and authorities to protect man and his environment from the adverse effects of pesticides.

The new FIFRA prohibits any person from holding for sale or distribution into intrastate or interstate commerce any pesticide which is not registered in compliance with the Act; prohibits any person from using any registered pesticide in a manner inconsistent with its labeling; provides for classification of pesticides into "general" and "restricted" use categories; requires that "restricted" pesticides be used only by State-certified applicators meeting Federal certification standards; authorized EPA to issue stop sale, use or removal orders, or to initiate seizure actions; requires pesticide manufacturers to register producing establishments with EPA; empowers EPA to initiate civil or criminal proceedings against violators of any provisions of the law; and provides for Federal assistance to States to enforce the provisions of the law.

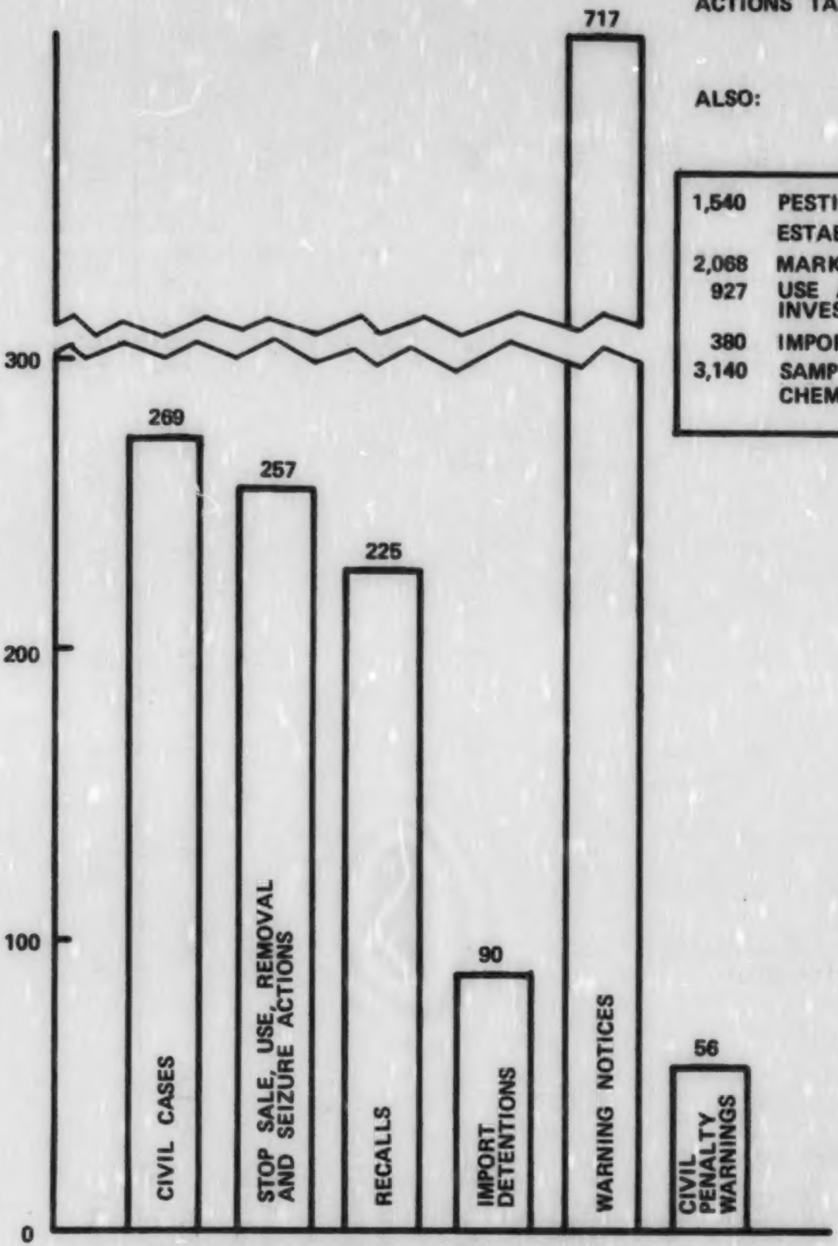
In the years following enactment, the Agency has implemented the provisions of this Act, by issuing regulations among others providing 1) for registration of products and establishments, 2) for administrative hearings resulting from cancellation, suspension or civil action by the Agency, 3) for the maintenance and inspection of books and records, and 4) for the certification of applicators. Enforcement policy and compliance strategies have been developed to carry out the total regulatory scheme.

Enforcement strategy generally focuses on (1) ensuring industry compliance with product registration requirements, and (2) ensuring user compliance with label directions. To attain these goals, the Agency engages in the following broad activities: producer establishment inspections, pesticide sampling, pesticide analysis, use surveillance, and application of legal sanction for violation.

EPA PESTICIDE ENFORCEMENT

JANUARY 1, 1976 – SEPTEMBER 30, 1976

(BY CATEGORY)



TOTAL FORMAL ENFORCEMENT ACTIONS TAKEN:

1,614

ALSO:

1,540	PESTICIDE–PRODUCING ESTABLISHMENTS INSPECTED
2,068	MARKET PLACE INSPECTIONS
927	USE AND RE–ENTRY INVESTIGATIONS
380	IMPORT INVESTIGATIONS
3,140	SAMPLES COLLECTED FOR CHEMICAL ANALYSIS

$ 380,017 PENALTIES/FINES ASSESSED
IN 275 CASES CONCLUDED TO DATE

PESTICIDE ENFORCEMENT ACTIONS
INITIATED BY EPA BY CATEGORY,
BY EPA REGION 1-1-76 - 9-30-76

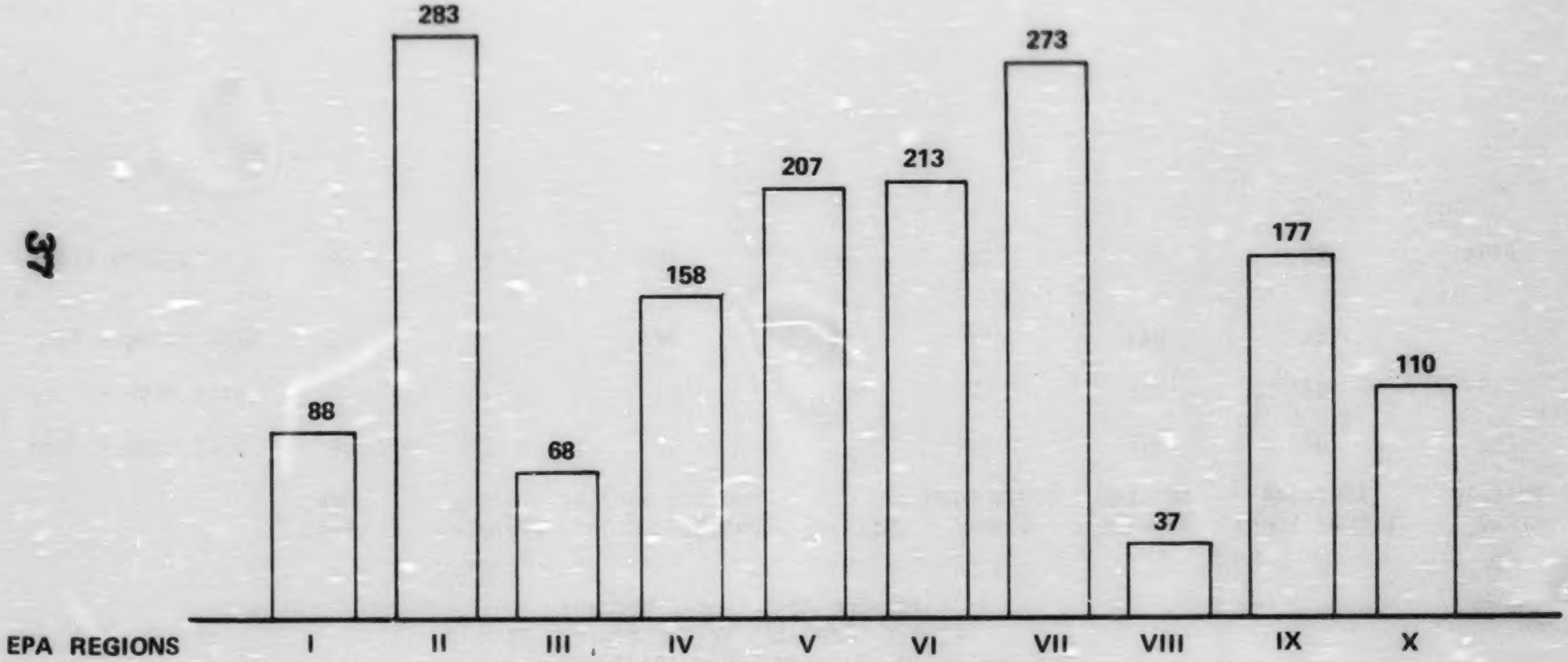
Number of actions initiated during 9 month period

Region	1	2	3	4	5	6	7	8	9	10	Total
Category											
Civil cases	11	39	27	34	26	21	49	6	51	5	269
Criminal cases	0	0	0	0	0	0	0	0	0	0	0
Stop sale and Seizure actions	5	17	3	77	37	49	43	19	6	1	257
Recalls	3	10	0	1	20	73	55	8	48	7	225
Import Detentions	8	60	7	3	3	3	0	1	5	0	90
Warning Notices	61	157	31	29	112	59	108	2	64	94	717
Civil Penalty Warnings	0	0	0	14	9	8	18	1	3	3	56
Total	88	283	68	158	207	213	273	37	177	110	1614

PESTICIDE ENFORCEMENT ACTIONS

INITIATED BY EPA REGIONS

JANUARY 1, 1976 – SEPTEMBER 30, 1976



Pesticide Enforcement Actions Initiated By EPA Regions By Category, 1-1-76 Through 9-30-76, by Quarter

	Civil Cases	Criminal Cases	Stop Sale and Seizure Actions	Recalls	Import Detentions	Warning Notices	Civil Penalty Warnings	Total Actions
Jan. - Mar. 1976	95	0	76	16	31	269	20	507
Apr. - June 1976	77	0	55	194	28	278	23	655
July - Sept. 1976	97	0	126	15	31	170	13	452
Total Actions	269	0	257	225	90	717	56	1614

In performing its establishment inspection and sampling activities, the Agency seeks to ensure that all pesticides are registered with the Agency and are sold and distributed in accordance with the terms of the registration. In the past 9 months, the EPA inspected 1540 producing establishments, conducted 380 import investigations and collected 3140 samples for chemical analysis. These activities revealed violations which resulted in the issuance of 269 civil complaints, 257 stop sale use or removal orders, 225 recall requests and 717 notices of warning.

During the period, 1/1/76 - 9/30/76, the Agency did not recommend any cases for criminal prosecution. The only pending criminal case listed in the publication "EPA Enforcement A Progress Report December 1974 to December 1975" was concluded on 7/29/76 by a fine of $250 on 1 count against James D. Rice, Nixon, Texas.

The violations involved in these enforcement actions have included nonregistration; false registration; misbranding, including absence of or inadequate use directions, absence of or inadequate statement of ingredients, absence of adequate warning or caution statement, unwarranted safety claims; adulteration or contamination of contents; false claims as to effectiveness; contents differing from those represented at the time of registration; or any combination of these.

In use surveillance, EPA focuses on those areas where the opportunity for adverse effects from misuse are greatest. During this period, 927 use and re-entry investigations were conducted. As a result of violations found, 56 civil penalty warnings and 19 stop sale, use or removal orders were issued. As use surveillance is a relatively new program in the Agency, a Pesticide Misuse Review Committee has been established in Washington to review cases involving misuse and to develop enforcement policy on misuse.

Finally, the Agency has initiated efforts to strengthen federal-state cooperation in the enforcement of the Act. With the help of federal grants and training, states are provided the opportunity to improve the effectiveness of their own regulatory activities, thereby raising the quality of the national pesticides enforcement program.

CIVIL PENALTY HEARINGS

In all civil actions taken under the Act, the respondent is given the opportunity for a hearing by an Administrative Law Judge. Most of the civil actions are settled in an informal settlement conference with the regional pesticides enforcement staff; however, during the nine month period 14 public hearings were held before an Administrative Law Judge.

The following is a summary of three civil penalty hearings in which decisions made by the Administrative Law Judge will have a significant impact on the pesticides enforcement program:

1. In re Cardiff Pest Control, Inc., Region IX

On June 22, 1976, Administrative Law Judge (ALJ) Edward B. Finch issued an Initial Decision in the first penalty proceeding under section 14(a)(2) of the FIFRA involving the misuse of a pesticide, In the Matter of Cardiff Pest Control, Inc. formerly doing business as George's Pest Control, I. F. & R. Docket No. IX-100C. Judge Finch's decision held that the Respondent had in fact violated section 12(a)(2)(G) of the amended FIFRA by using a registered pesticide in a manner inconsistent with its labeling and ordered the assessment of a $1000.00 penalty against the Respondent.

This civil proceeding was initiated on June 30, 1975, by the issuance of a Complaint and Notice of Opportunity charging Cardiff Pest Control, Inc., doing business as George's Pest Control Service, with a violation of section 12(a)(2)(G) of the FIFRA, as amended. Specifically, Region IX alleged that Respondent had used either the pesticide Diazinon 4E or the pesticide Diazinon 4S in the Orland Meat Market, Orland, California by spraying it along the walls and floors in food areas at a distance of 8 to 12 inches from the floor. Further, it was alleged that it was sprayed in areas where there were no cracks and crevices into which it could have been confined. The label of both products directed that the application of the product be limited to crack and crevice treatment in food handling establishments.

The Respondent filed an Answer to Complainant's Amended Complaint of August 6, 1975, and requested a hearing which was held in Chico, California on April 6, 1976. The Respondent's defense was that there were in fact cracks and crevices in the treated areas and the proper application method was followed.

The primary dispute in this proceeding was whether or not the applicator (Respondent's employee) was applying the Diazinon in accordance with the label instructions. As evidence of their charges, Complainant relied upon the testimony of Mr. Ernest Simpson, an employee of the Glenn County Department of Agriculture who was present at the time of the application. Mr. Simpson testified that the applicator was using a fan spray nozzle which was kept about 8-12 inches away from the floor. He further noticed that his eyes were burning. Mr. Simpson also collected two sawdust samples from the floor and floor sweepings in the trash at the Orland Meat Market. Upon analysis, these samples indicated the presence of Diazinon.

The Respondent's evidence consisted mainly of the testimony of its employee, the applicator whom Mr. Simpson observed misusing the Diazinon. The applicator's testimony of the events in question differed substantially from that of Mr. Simpson. For example, the applicator asserted that he was using a pin stream nozzle which was kept only two or three inches from the floor. Additionally, he explained that there were cracks and crevices "pretty near everywhere" he sprayed. The applicator demonstrated his application during the course of his testimony. It was observed that he walked about twenty-five feet in less than ten seconds. According to Complainant, this demonstration was indicative of a lack of care required for a proper crack and crevice treatment as required by the product label, even if the applicator was using a pin stream spray.

In finding that the Respondent did not exercise the care required to avoid depositing the pesticide onto exposed surfaces, to avoid introducing the material into the air, or to avoid the contamination of food or processing surfaces, ALJ Finch found that the testimony of Complainant's witness, Mr. Simpson, was entitled to great weight since he was a totally disinterested witness.

The ALJ did not in fact accept the testimony of Mr. Simpson over that of the applicator. Instead his finding was that even the applicator's statement on how he applied the pesticide was inconsistent with the label statements "apply a small amount of material ... directly into cracks and crevices" and "care should be taken to avoid depositing the product onto exposed surfaces or introducing the material into the air." As evidence that Diazinon was not directed carefully into cracks and crevices, the ALJ noted the presence of Diazinon in the pesticide swept from the floor and the fact that Mr. Simpson's eyes began to burn as the pesticide was being applied.

With respect to the appropriateness of the penalty, neither the Respondent's size of business nor his ability to continue in business were at issue. The remaining factor to be considered, the gravity of the violation, was anlayzed from two aspects gravity of harm and gravity of misconduct. Judge Finch found that the potential harm from the misuse of this product was apparent and that proof of actual harm or injury was not required. As to gravity of misconduct, the ALJ noted that Respondent was aware of the need to follow label instructions accurately. Furthermore, Respondent had been issued a Notice of Warning in 1974 for a prior misuse of a pesticide. Taking into account all of the factors required to be considered, Judge Finch found that the $1000 penalty proposed by the Complaint was appropriate.

2. In re Fleming & Company, Region VII

On May 10, 1976, Administrative Law Judge Bernard D. Levinson issued an Initial Decision in the Region VII civil penalty proceeding In re Fleming & Company, I. F. & R. Docket Nos. VII-92C and VII-135C. The Initial Decision assessed penalties of $9,675 against the Respondent.

By a complaint issued on January 24, 1975, Region VII had alleged that Respondent had violated the FIFRA by shipping in interstate commerce the pesticide Impregon Diaper Disinfectant Concentrate (herein-after Impregon) which was not registered. A second complaint was issued on July 25, 1975, charging Respondent with a violation of section 12(a)(2)(I) of the FIFRA, as amended, by shipping Impregon in violation of a "Stop Sale, Use, or Removal Order" issued on April 10, 1975.

The Respondent filed an answer to each complaint and in each instance requested a hearing. By order of the Administrative Law Judge (ALJ), the two proceedings were consolidated. An oral hearing was waived by both parties and the arguments were submitted on brief to ALJ Levinson.

With respect to the non-registration charge, the Respondent contended that the civil penalty action was barred by the doctrine of res judicata or collateral estoppel. The basis for the defendant's claim was that its sucessful defense against criminal prosecution in 1970 for interstate shipment of Impregon and again in 1973 should bar any subsequent proceedings on the issue of non-registration. According to Respondent, since the Government had its day in court and lost, it could not collaterally attack the decree entered in the earlier cases.

In rejecting this defense, ALJ Levinson relied upon a firmly established rule that when a first suit is a criminal prosecution resulting in an acquittal, no preclusive effect is to be attributed to the judgment in a subsequent civil proceeding involving the same or similar conduct. The Fleming proceeding fell within this rule: the initial action was a criminal prosecution; the instant action has been characterized by Congress as a civil action. When Congress characterizes a remedy as civil and the only consequence of a judgment for the Government is a money penalty, the courts generally defer to the intent of Congress.

Because the Respondent admitted that Impregon was not registered with EPA, further proof of non-registration was found to be unnecessary. Hence, it was concluded that Respondent had shipped in interstate commerce an unregistered product.

With respect to the charge of violating a "Stop Sale, Use or Removal Order, the Respondent raised the defense it did not violate the order, that the violation of such an order requires an intentional act, and that at no time did it intentionally violate the order. At issue were four units of Impregon which had been returned to Fleming from one customer and which were subsquently sold to another customer. The ALJ found that irrespective of the source of the Impregon at issue, it was in the custody and control of the Respondent. By shipping and selling the Impregon to another customer, Respondent removed the Impregon from its control. This removal constituted a violation of the "Stop Sale, Use or Removal Order" of April 10, 1975.

With respect to appropriateness of the penalties for each violation, the only issue was the gravity of the violations. The gravity of harm apparent in the non-registration charge was deemed to be high in that serious injury could result from a product such as this which could be irritating to skin and which was used for treating diapers which come into contact with the tender skin of infants. The gravity of misconduct was considered to be high since Respondent's actions indicated that it knew its product was and should have been registered. The Respondent had previously sought registration on several occasions and in each instance had been denied registration since the product was considered to be unsafe. The gravity of misconduct associated with Respondent's violation of the Stop Sale, Use and Removal Order was found to be of the highest degree in that the Respondent's actions evidence a contemptuous disregard for the terms of the order. Accordingly, the $9,675 proposed civil penalty assessment was upheld by the ALJ.

3. In re Industrial Chemical Laboratories, Inc., Region VII

On June 16, 1976, Administrative Law Judge Marvin E. Jones issued an Initial Decision in the Region VII civil penalty proceeding In re Industrial Chemical Laboratories, Inc., I. F. & R. Docket No. VII - 181C. ALJ Jones' decision held that the failure to file an establishment registration report under section 7 of the FIFRA was an independent and assessible penalty under the Act, that the Respondent had violated this provision, and that a $1500 civil penalty was an appropriate penalty for Respondent's violation.

This proceeding was initiated by a Complaint dated February 26, 1976, in which Region VII charged Industrial Chemical Laboratories, Inc. (hereinafter Respondent) with a violation of section 12(a)(2)(L) of the Act in that it failed to file with the Agency information required by section 7(c) of the Act. The Respondent filed an Answer in which it admitted failing to file the report on time, but denied that the failure to file a section 7(c) report constituted an independent violation of the Act.

Although an adjudicatory hearing was requested, it was later cancelled when both parties stipulated to the facts and requested an accelerated decision. The issues set forth on brief were: (1) whether or not the failure to file a section 7(c) report on time as required by 40 CFR Part 167 constituted a substantive and assessible penalty; and (2) whether the proposed penalty of $3200 was excessive.

Respondent contended that section 7 was a "registration" rather then a "regulatory" provision; that it had met the registration requirements of section 7; and that annual reporting called for was only a procedural or technical requirement. Judge Jones, however, found that the language and intent of section 7 was clear, namely that the annual reporting requirement was intended as an important part of the Agency's regulatory scheme to protect public health. A departure from the letter of the law would only be justified if a literal application of section 7(c) would "be so gross as to shock the general moral or common sense" and if there is "something to make plain the intent of Congress that the letter of the statute is not to prevail." Judge Jones found both of these elements lacking in this case.

With respect to the appropriateness of the penalty, the only issue was the gravity of the violation. On this issue, the ALJ noted that the report was filed three days after the issuance of the complaint and that the failure to report on time was due to negilgence, rather than a deliberate flouting of the law. Accordingly, he reduced the penalty from $3200 to $1500.

RESULTS OF CIVIL AND CRIMINAL ACTIONS
INITIATED OR CLOSED DURING 9 MONTH PERIOD
January 1, 1976 - September 30, 1976

	Civil	Criminal
Cases closed during 9 month period that were initiated prior to 1-1-76		
Civil cases closed	140	
Civil penalties assessed	$213,146	
Criminal cases closed		1
Fines levied		$250
Cases initiated during 9 month period		
Civil cases initiated	263	
Civil cases closed	134	
Civil penalties assessed	$166,621	
Criminal cases initiated		0
Criminal cases closed		0
Fines levied		0
Total cases closed	274	1
Total penalties/fines imposed	$379,767	$250

The following is a short summary of several selected significant enforcement and government actions taken under the Federal Insecticide, Fungicide, and Rodenticide Act:

Chevron Chemical Company - On June 8, 1976, EPA Region IV assessed Chevron Chemical Company, Orlando, Florida, $6000 for using the registered pesticides ORTHO PARAQUAT CL CONCENTRATE and ORTHO DIQUAT in a manner inconsistent with their labeling. The civil complaint had charged that the labels of both products bore the statements "Wash and destroy container when empty. Never reuse" and that despite these label declarations the respondent resealed used drums and shipped these drums for reuse. The drums were being sold to a local chemical formulator for storage of other chemical compounds including hand soap.

James D. Rice - On July 29, 1976, the U.S. District court for the Western District of Texas levied a fine of $250 against Mr. James D. Rice of Nixon, Texas. Mr. Rice had been charged with using the registered pesticide PARATHION 2% DUST in a manner inconsistent with its labeling. The misuse had resulted in the death of one teenage youth and injury to another. Under the Federal Insecticide, Fungicide, and Rodenticide Act, Mr. Rice could have received a maximum fine of $1000 and one year in jail. This is only the second criminal case to be brought under the amended provisions of the federal pesticide law. Several other misuse cases have been pursued under the civil penalty provisions of the law.

Aerial Applicator Warning Citations - In Late February and early March, 1976, an area in southern Kansas was intensively sprayed with ENDRIN and METHYL PARATHION by numerous aerial applicators. These pesticides were used to stem a heavy infestation of green bugs and army cutworms on wheat. Following the spraying, many complaints of misuse were received by the regional office in Kansas City, Missouri.

A thorough investigation of the incidents was initiated by Region VII. At the present time, three civil penalty warning citations have been issued to aerial application service companies and additional actions are expected.

DDT Stop Sale Disposition - Thirteen tons of DDT were turned over to Region II for disposal following a stop sale action. The Region gave the pesticide as a gift to the government of Guatemala through the Pan American Health Organization. The pesticide was used to avert a Typhus epidemic following the earthquakes in that country. The President of the United States acknowledged this action by sending a letter of commendation to the regional participants in this effort.

PESTICIDE MISUSE REVIEW COMMITTEE

GENERAL BACKGROUND

The pesticide enforcement responsibilities of the Federal government have increased significantly since the consolidation within EPA of all Federal pesticide regulatory functions. Recently a great deal of public attention has been given to the post-registration effects of pesticides, including their effects upon man, domestic animals, wildlife, and the environment. EPA has the regulatory responsibility to protect human health and the environment from any unreasonable adverse effects associated with pesticide production and use. An accurate assessment of the nature and scope of pesticide misuse and the institution of an effective mechanism to enforce against such misuse will enable the Agency to discharge these responsibilities.

Section 12(a)(2)(G) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA), prohibits the use of any registered pesticide in a manner inconsistent with its labeling. The authority to regulate pesticide use was established by Congress in the 1972 amendments to FIFRA. The widespread and diverse nature of pesticide use makes the design of a program to detect and enforce against pesticide misuse extremely difficult. The use enforcement program will be concerned with those products and use patterns which are likely to create imminent hazards to human health and the environment.

The Agency's pesticide use enforcement program is designed to promote safe pesticide use and to respond to reports of pesticide misuse. Incidents of pesticide misuse may come to the attention of the Pesticides and Toxic Substances Enforcement Division from the Agency's pesticide use surveillance program, or reports to EPA by such sources as FDA residue reports, USDA meat and poultry residue reports, citizen and trade complaints, EPA Pesticide Episode Reporting System (PERS), water samples, USDA pest control surveys, public interest groups, the EPA National Monitoring Plan, and the general public.

Initiation of the Pesticide Misuse Review Committee

The Agency established the Pesticide Misuse Review Committee (PMRC) for the purpose of reviewing each case of alleged pesticide misuse. The PMRC is comprised of personnel from the Agency's Office of Enforcement, Office of General Counsel, and Office of Pesticide Programs. It is the function of the PMRC to determine 1) whether a registered pesticide has been misused, 2) what level of enforcement action is warranted, 3) whether the FIFRA is being uniformly applied in misuse cases, 4) whether patterns of pesticide misuse are identifiable, and 5) whether label or registration amendments are needed for specific pesticides or classes of pesticide products.

Where questions involving pesticide use arise which require a generalized statement of enforcement policy, the PMRC may issue advisory opinions regarding such uses. If the issue has wide-spread significance the central elements of the PMRC advisory opinion may be published as a Pesticide Enforcement Policy Statement (PEPS). Subject to the publication of a PEPS, the Agency will narrowly construe section 12(a)(2)(G). In areas where the statute permits administrative discretion, the Agency recognizes the need to make workable interpretations and to develop enforcement policies which reasonably and equitably implement the will of Congress. Toward this end, the Agency has instituted the PMRC case-by-case review and will pursue with all dispatch the development of interpretive guidelines for Section 12(a)(2)(G).

As of November, 1976, the PMRC has reviewed and made recommendations on 175 cases, and has written six advisory opinions. In addition, the PMRC has recommended labeling modifications on 21 of the cases to the Registration Division, OPP.

The following are three examples of advisory opinions that have been issued by the committee.

Advisory Opinion #1

Question: Will the use on cotton for boll weevil control of certain brands (see list) of 4 lb. methyl parathion products at dosage rates specified by pest control management consultants subject the user to enforcement liability as a violation of FIFRA section 12(a)(2)(G) if the dosage rate recommended falls within the range of dosage rates registered by EPA for various 4 lb. methyl parathion products.

Background: The State of Mississippi has requested EPA approval to use certain brands of 4 lb. methyl parathion products at various dosage rates specified by pest control management consultants (scouts). [1] The dosage rate which is recommended may vary from that which appears on the label of the particular product used, each dosage rate specified falls within the range of dosage rates which has been approved by EPA in registering various 4 lb. methyl parathion products.

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[1] Mississippi recognizes two types of pest management consultants: (1) Independent consultants (who work for themselves), and (2) Public consultants (who work for the Federal extension service). To become a consultant, one must have a BS degree in agriculture, two years actual experience in agriculture, and must have passed a State examination. Once he is hired, the consultant determines the type and amount of pesticides used, and the time of application.

It is the practice of farmers to purchase the least expensive brand of 4 lb. methyl parathion without regard to the dosage rate provided on the label. The consultant's recommendation may involve the use of the particular product purchased by the farmer at a lower (or in some cases greater) dosage rate than included on the label, but still within the range of dosage rates of approved 4 lb. methyl parathion products. The state is requesting this opinion for only these registered products which appear on the attached list.

Answer: PMRC recommends that the use on cotton for boll weevil control of certain brands of 4 lb. methyl parathion products at dosage rates specified by pest control management consultants should not subject the user to enforcement liability as a violation of FIFRA section 12(a)(2)(G) where the dosage rate recommended falls within the range of dosage rates registered by EPA for various 4 lb. methyl parathion products.

Discussion: Any use of a registered pesticide which does not conform with the product's label constitutes a violation of FIFRA section 12(a)(2)(G). In this case, however, the product is applied at a registered dosage rate even though it is in variance with the particular product label. The PMRC in the exercise of its prosecutorial discretion recommends that no enforcement action be taken in regard to the proposed use in Mississippi of 4 lb. methyl parathion products listed below at various registered dosage rates.

The PMRC finds that such applications will be conducted with adequate regulatory control in that (1) The application will be recommended in writing by a consultant licensed by the State of Mississippi; (2) The application will be done at a registered dosage rate; (3) The application will be performed in accordance with all other label instructions and precautions. The PMRC also finds that pesticide applications which are performed pursuant to this policy within the State of Mississippi will not result in harm to man or the environment.

This advisory opinion applies only to the State of Mississippi and specifically to the use of methyl parathion for the control of boll weevil on cotton. Failure to meet any one of the controlling elements noted above will subject the user to enforcement liability under FIFRA section 12(a)(2)(G). Separate advisory opinions must be specifically requested for problems involving other states and other crop-pest situations.

This advisory opinion applies only to the following 4 lb. methyl products:

Thompson - Hayward Company	EPA Reg. No. 148-373
Valley Chemical Company	EPA Reg. No. 1063-104
Olin Corporation	EPA Reg. No. 1258-833
Cotton States	EPA Reg. No. 1339-140
Kerr McGee	EPA Reg. No. 2342-471
Helena Chemical Company	EPA Reg. No. 5905-240
Staple Cotton Service	EPA Reg. No. 8648-12
Cleveland Chemical Company	EPA Reg. No. 8867-3
Ring Around Products Inc.	EPA Reg. No. 8934-29
Riverside Chemical Company	EPA Reg. No. 9779-34
Apollo Enterprises Inc.	EPA Reg. No. 13166-11

Advisory Opinion #2

Question: Region II requested an advisory opinion as to the legality of section 4-05 METHOD OF APPLICATION, in the Department of the Army, Office of the Facilities Engineer, Headquarters and Installation Support Activity, Fort Monmouth, New Jersey, booklet entitled "Specifications For Termite Control of Miscellaneous Buildings, For Monmouth, New Jersey."

Answer: The Department of the Army's recommendation in section 4-05, to double the concentration (from 1% to 2%) and then to half the application rate, is considered a "current control practice" by the professional pest control industry when wet or mucky soils will not accept the normal application rate. The Administrator's 7-21-75 Federal Register notice of clarification, regarding uses for chlordane exempted from the Notice of Intent to cancel, include "current control practices" as part of the exempted use for subterranean termite control.

The other recommendation in this section to double the rate where heavy termite infestations are found is not valid treatment procedure. This extra dosage is not a necessity for this type of infestation as the normal rate (4 gallons of 1% chlordane per 10 linear feet of depth) will be efficacious at any infestation level. Also, we do not consider this to be a "current control practice". The PMRC recommends that this recommendation in the booklet be deleted.

Advisory Opinion #3

Question: Can malathion be used as a crack and crevice treatment for control of pests in railroad cars used for the storage and transport of food products?

Source Of Question: Region IX, prompted by inquiries from outside the Agency, requested an opinion regarding the use of malathion in railroad cars.

Background: On August 10, 1973, the Agency published a statement, entitled "Insecticides in Food Handling Establishments" which allowed the use of a number of residual insecticides, including malathion, for crack and crevice treatment in food handling establishments. At this time the Agency stated that registrants of these products could register the products for crack and crevice treatment without submitting additional data for a period of six months. After this time any use of the named products in a mannner inconsistent with label provisions would constitute a violation of the Act.

PMRC Recommendation: The Registration Division, following review of the Agency's policy on crack and crevice treatments and of labels approved subsequent to that policy statement, determined that railroads cars used for the storage of processed or packaged food products would fall within the definition of a "food handling establishment" as provided in 38 FR 21685. The Registration Division provided several product labels which reflect the implementation of the policy regarding crack and crevice applications.

On the basis of this labeling interpretation by the Registration Division, the PMRC is of the opinion that malathion, which is registered and labeled for crack and crevice treatment in food handling establishments may be used in railroad cars transporting stored or packaged food products.

CHAPTER V

PERMIT PROGRAM UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

FEDERAL WATER POLLUTION CONTROL ACT (FWPCA), AS AMENDED (33 USC 1251 et seq. - 1972)

The National Pollutant Discharge Elimination System (NPDES) Permit Program, created under the 1972 Amendments to the Federal Water Pollution Control Act (FWPCA), is the cornerstone of the Nation's water cleanup effort. Under the Act's provisions, discharges by point sources to the waters of the United States are prohibited except as provided in an NPDES permit setting forth allowable conditions and cleanup terms with specified deadlines.

The NPDES Permit Program is of pivotal importance to the enforcement programs of the States and EPA. As defined by law and by subsequent judicial interpretations, point sources of wastewater discharges embrace all waste-producing sectors of the economy, - whether industrial, municipal, or agricultural in character.

NPDES Permits specify effluent limitations on the concentrations and amounts of wastes which may be discharged by point sources reflecting technology-based effluent guidelines, water quality standards, and any other relevant State/Federal requirements. NPDES Permits further specify implementation schedules for attaining the pollution reduction required to meet the effluent limitations.

One of EPA's most important activities is to encourage State participation in the NPDES program. The States play a very important role in the implementation of the FWPCA and participate to differing degrees in all aspects of the NPDES program, focusing on permit issuance, compliance inspections, sampling inspections, and enforcement of permit conditions. Maximum participation is by those States which wish to administer the NPDES program with regard to dischargers within their jurisdiction and whose programs have been approved by EPA as meeting pertinent requirements of the FWPCA. Those States which have not received full program approval often develop working agreements with the Regions after which the States actively participate in various permit writing and effluent monitoring activities in partnership with EPA.

As of September 30, 1976, the States and EPA had identified 64,877 municipal and non-municipal dischargers or sources as being subject to the NPDES Program. Some 9,012 of these are classified as "Major" dischargers which, by virtue of their pollutional significance, receive priority attention. Of the total number of NPDES permits, 52,723 had been issued as of September 30, 1976. Virtually all of the majors have been issued.

As one of the highest priorities of the enforcement program, the basic thrust of the compliance monitoring activities is to insure the completion of treatment facilities by major industrial and municipal facilities to meet the requirements of the FWPCA.

EPA's NPDES compliance monitoring program covers all aspects of EPA activity utilized in determining compliance with permit conditions and actions initiated in instances of non-compliance. Compliance review includes the review of all written material related to the status of compliance with an NPDES permit, including Compliance Schedule Reports, Discharge Monitoring Reports, and Compliance Inspection Reports. Compliance inspection refers to all field related activities conducted to determine the status of compliance with permit requirements, including reconnaissance inspections, sampling inspections, production facility inspections, and remote sensing (aerial photography).

As violations become apparent through compliance monitoring, they receive a response from the Regional Office (call, letter, request for a conference, inspection, administrative order, NOV or judicial action). Voluntary compliance is sought first as the easiest and most economical way in which to obtain compliance. However, EPA's response to identified violations reflects the seriousness of the violation and involves taking formal civil or criminal action following a significant violation of permit conditions or where efforts to achieve voluntary compliance are unsuccessful. The 1972 FWPCA Amendments also established substantial fines for non-compliance with the conditions of NPDES Permits, or for illegal discharges without an NPDES Permit, ranging up to $10,000 per day. Willful or negligent violations can bring fines up to $25,000 a day and one year in prison for the first offense. NPDES Enforcement activity has increased substantially in the past year or two. Enforcement activity can be expected to continue to increase as more schedules and deadlines fall due.

MUNICIPAL & NON-MUNICIPAL PERMITS ISSUED BY REGION

Sept. 30, 1976

		MUNICIPAL		NON-MUNICIPAL	
		PERMITS ISSUED	IDENTIFIED DISCHARGERS	PERMITS ISSUED*	IDENTIFIED DISCHARGERS
I	Major	374	385	442	444
	Minor	322	412	1,417	1,709
II	Major	536	568	567	585
	Minor	1,173	1,163	990	1,738
III	Major	410	413	545	534
	Minor	2,001	2,963	2,467	4,880
IV	Major	1,369	1,415	1,170	1,020
	Minor	844	1,409	5,955	5,559
V	Major	553	567	696	750
	Minor	4,545	6,238	5,795	7,082
VI	Major	370	357	443	370
	Minor	1,602	1,603	2,535	7,847
VII	Major	411	301	244	206
	Minor	2,545	1,862	4,324	4,127
VIII	Major	228	227	166	168
	Minor	833	863	1,653	1,819
IX	Major	234	217	241	217
	Minor	267	261	1,768	1,698
X	Major	156	155	111	113
	Minor	586	606	1,835	2,026
TOTAL	Major	4,641	4,605	4,625	4,407
	Minor	14,718	17,380	28,739	38,485
	Total	19,359	21,985	33,364	42,892

*The number of permits issued to Federal Facilities are included in this column.

Note: The number of permits issued exceeds the number of sources identified in some cases. The primary reason for this is because reissued permits are included in the number of permits issued. Another factor is that certain large plants having several outfall pipes are reported as a single discharge even though more than one permit may be issued.

The numbers used in this table are taken directly from FY 76 Regional Program Operating Plans End of Year Report.

OVERALL STATUS REPORT

PERMITS ISSUED

Sept. 30, 1976

	MAJOR	MINOR	TOTAL
TOTAL			
ISSUED EPA & STATES	9,266	43,457	52,723
IDENTIFIED DISCHARGERS	9,012	55,865	64,877
MUNICIPAL			
ISSUED EPA & STATES	4,641	14,718	19,359
IDENTIFIED DISCHARGERS	4,605	17,380	21,985
NON-MUNICIPAL*			
ISSUED EPA & STATES	4,625	28,739	33,364
IDENTIFIED DISCHARGERS	4,407	38,485	42,892

Note: The number of permits issued exceeds the number of sources identified in some cases. The primary reason for this is because reissued permits are included in the number of permits issued. Another factor is that certain large plants having several outfall pipes are reported as a single discharge even though more than one permit may be issued.

*This includes Industrial and Agricultural Sources.

The numbers in this table are based on the table entitled, "Municipal and Non-Municipal Permits Issued by Region."

STATE-BY-STATE BREAKDOWN OF NPDES PERMITS ISSUED BY STATES AND EPA AND TOTAL NUMBER OF DISCHARGERS IDENTIFIED -- AS OF SEPTEMBER 30, 1976

(MAJOR/MINOR NON-MUNICIPAL & MUNICIPAL SOURCES)

		NON-MUNICIPAL DISCHARGERS						MUNICIPAL DISCHARGERS					
		MAJOR SOURCES		MINOR SOURCES		T O T A L		MAJOR SOURCES		MINOR SOURCES		T O T A L	
EPA REGION	ST	# ISSUED	# IDENTIFIED	# ISSUED	# IDENTIFIED	# ISSUED	# IDENTIFIED	# ISSUED	# IDENTIFIED	# ISSUED	# IDENTIFIED	# ISSUED	# IDENTIFIED
1	CT*	176	177	334	341	510	518	82	82	43	59	125	141
	ME	52	52	325	351	377	403	59	59	118	139	177	198
	MA	139	140	411	628	550	768	114	122	47	90	161	212
	NH	39	39	140	151	179	190	62	63	38	41	100	104
	RI	20	20	142	173	162	193	16	18	16	23	32	41
	VT*	16	16	65	65	81	81	41	41	60	60	101	101
	Total	442	444	1417	1709	1859	2153	374	385	322	412	696	797
2	NJ	187	189	359	626	546	815	163	184	252	344	415	528
	NY*	313	333	569	991	882	1324	353	350	856	717	1209	1067
	PR	61	55	59	115	120	170	18	32	65	98	83	130
	VI*	6	8	3	6	9	14	2	2	0	4	2	6
	Total	567	585	990	1738	1557	2323	536	568	1173	1163	1709	1731
3	DE*	28	28	135	77	163	105	14	16	49	63	63	79
	DC	4	4	2	2	6	6	1	1	0	0	1	1
	MD*	58	43	521	652	579	695	52	51	284	370	336	421
	PA	159	159	592	1623	751	1782	229	228	661	1152	890	1380
	VA*	98	99	780	923	878	1022	66	66	760	782	826	848
	WV	198	201	437	1603	635	1804	48	51	247	596	295	647
	Total	545	534	2467	4880	3012	5414	410	413	2001	2963	2411	3376
4	AL	185	196	363	370	548	566	175	175	90	96	265	271
	FL	149	155	764	802	913	957	246	250	74	85	320	335
	GA*	116	98	363	454	479	552	142	98	120	454	262	552
	KY	134	138	1318	1320	1452	1458	183	184	37	44	220	228
	MS*	116	97	695	629	811	726	154	150	211	232	365	382
	NC*	147	181	922	767	1069	948	116	190	65	182	181	372
	SC*	178	5	815	500	993	505	179	193	147	214	326	407
	TN	145	150	715	717	860	865	174	175	100	102	274	277
	Total	1170	1020	5955	5559	7125	6579	1369	1415	844	1409	2213	2824
5	IL	127	127	1011	1120	1138	1247	128	128	1145	1462	1273	1592
	IN*	92	92	738	738	830	830	125	125	887	1148	1012	1273
	MI*	283	290	625	640	908	930	55	55	464	830	519	885
	MN*	59	62	646	674	705	736	31	31	583	636	614	667
	OH*	63	106	1835	2890	1898	2996	165	179	976	1569	1141	1748
	WI*	72	73	940	1020	1012	1093	49	49	490	593	539	642
	Total	696	750	5795	7082	6491	7832	553	567	4545	6238	5098	6805
6	AR	45	39	543	552	588	591	57	56	202	202	259	258
	LA	128	105	351	2957	479	3062	67	65	234	286	301	351
	NM	16	20	111	258	127	278	12	10	42	42	54	52
	OK	56	48	451	914	508	962	54	52	359	325	413	377
	TX	198	158	1079	3166	1277	3324	180	174	765	748	945	922
	Total	443	370	2535	7847	2978	8217	370	357	1602	1603	1972	1960
7	IA	45	46	558	624	603	670	165	139	708	616	873	755
	KS*	62	62	538	537	600	599	55	40	454	368	509	408
	MO*	85	68	2411	2157	2496	2225	121	82	903	516	1024	598
	NE*	52	30	817	809	869	839	70	40	480	362	550	402
	Total	244	206	4324	4127	4568	4333	411	301	2545	1862	2956	2163
8	CO*	61	62	561	668	622	730	92	91	164	180	256	271
	MT*	36	36	173	210	209	246	26	26	109	108	135	134
	ND*	17	18	62	90	79	108	16	16	233	247	249	263
	SD	10	10	122	133	132	143	27	27	212	213	239	240
	UT	28	28	93	101	121	129	48	48	36	37	84	85
	WY*	14	14	642	617	656	631	19	19	79	78	98	97
	Total	166	168	1653	1819	1819	1987	228	227	833	863	1061	1090
9	AZ	19	19	105	111	124	130	30	28	21	21	51	49
	CA*	142	143	1479	1409	1621	1552	150	149	222	220	372	369
	HI*	58	39	130	106	188	145	30	18	13	6	43	24
	NV*	12	8	33	45	45	53	20	18	1	2	21	20
	AS	4	2	1	1	5	3	1	1	0	1	1	2
	GU	6	6	7	10	13	16	0	0	6	7	6	7
	TT	0	0	13	16	13	16	3	3	4	4	7	7
	Total	241	217	1768	1698	2009	1915	234	217	267	261	501	478
10	AK	30	30	480	559	510	589	7	7	39	47	46	54
	ID	13	13	253	348	266	361	25	24	87	94	112	118
	OR*	31	31	497	520	510	551	56	56	236	236	292	292
	WA*	37	39	605	599	642	638	68	68	224	229	292	297
	Total	111	113	1835	2026	1946	2139	156	155	586	606	742	761
GRAND TOTAL		4625	4407	28739	38485	33364	42892	4641	4605	14718	17380	19359	21985

Note: The number of permits issued exceeds the number of sources identified in some cases. The primary reason for this is because reissued permits are included in the number of permits issued. Another factor is that certain large plants having several outfall pipes are reported as a single discharge even though more than one permit may be issued.

*Approved NPDES States

The numbers for this table are taken directly from EPA Formal Reporting System's State Activity Report dated September 30, 1976.

CHAPTER VI

WATER ENFORCEMENT

FEDERAL WATER POLLUTION CONTROL ACT (FWPCA), AS AMENDED (33 U.S.C. 1251 et seq. - 1972)

RIVER AND HARBOR ACT OF 1899 (REFUSE ACT) (33 U.S.C. 403, 407, 411 - 1899)

MARINE PROTECTION, RESEARCH AND SANCTUARIES ACT (OCEAN DUMPING (33 U.S.C. 1401 et seq. - 1972)

STATE PROGRAM APPROVALS

One of EPA's most important activities is to encourage State participation in the NPDES program. The States play a very important role in the implementation of the FWPCA and participate to differing extents in all aspects of the NPDES program, focusing on permit issuance, compliance inspections, sampling inspections, and enforcement of permit conditions. Maximum participation is by those States which administer the NPDES program with regard to dischargers within this jurisdiction and whose programs have been approved by EPA as meeting the requirements of the FWPCA. Those States which have not received full program approval often develop working agreements with EPA to actively participate in various permit writing and effluent monitoring activities in partnership with EPA.

During 1975, the Virgin Islands has received program approval for a total of 28 approved States. (See tabulation.) Agency personnel are presently working closely with State officials in the remaining States in an effort to approve additional programs in FY 1977.

Once program approval has been granted by EPA, the State has full responsibility for administering the NPDES program within its borders. EPA maintains an overview role consistent with the legislative mandate. In most approved States, EPA continues to administer and enforce those permits originally issued by EPA. In many States this amounts to most, if not all the major permits. Several States, however, have the authority and desire to enforce EPA-issued permits. In those States, EPA's role is the same backup, overview, and coordination role that it has with respect to approved State enforcement of State-issued NPDES permits.

In addition, enforcement cases may arise in which a State may need the assistance of EPA. An example is the enforcement case brought against Reserve Mining Company and its discharge of iron ore tailings into Lake Superior near Silver Bay, Minnesota. (See more detailed discussion of the Reserve Mining case later in this report).

In several States (e.g., Maine and Massachusetts) cooperative agreements with EPA allow State environmental agencies to assist in elements of the NPDES program short of full program approval.

In summary, EPA and the individual States have relationships which are not identical but which are responsive to the constant interaction and adaptation that is required of a program of Federal/State partnership.

STATUS OF STATES APPROVED TO ADMINISTER THEIR OWN NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT PROGRAM UNDER THE FEDERAL WATER POLLUTION CONTROL ACT

APPROVED AS OF OCTOBER 1976

1. California
2. Colorado
3. Connecticut
4. Delaware
5. Georgia
6. Hawaii
7. Indiana
8. Kansas
9. Maryland
10. Michigan
11. Minnesota
12. Mississippi
13. Missouri
14. Montana
15. Nebraska
16. Nevada
17. New York
18. North Carolina
19. North Dakota
20. Ohio
21. Oregon
22. South Carolina
23. Vermont
24. Virgin Islands
25. Virginia
26. Washington
27. Wisconsin
28. Wyoming

NOT APPROVED AS OF OCTOBER 1976

1. Alabama
2. Alaska
3. American Samoa
4. Arizona
5. Arkansas
6. District of Columbia
7. Florida
8. Guam
9. Idaho
10. Illinois
11. Iowa
12. Kentucky
13. Louisana
14. Maine
15. Massachusetts
16. New Hampshire
17. New Jersey
18. New Mexico
19. Oklahoma
20. Pennsylvania
21. Puerto Rico
22. Rhode Island
23. South Dakota
24. Tennessee
25. Texas
26. Trust Territories
27. Utah
28. West Virginia

Adjudicatory Hearings

The NPDES Permit Program provides an affected discharger, as well as interested persons and groups, an opportunity to raise factual and legal issues relating to the conditions and limitations contained in the permit. In most cases these issues can properly be resolved by a modification or adjustment of the contested provisions of the permit. Whenever EPA and the other parties cannot agree on the changes which can appropriately be made in the permit, the factual issues are resolved through an evidentiary hearing conducted before an administrative law judge. Legal issues are referred to EPA's Office of General Counsel for a formal opinion. The determination of the legal and factual issues are incorporated together in an Initial Decision rendered by the administrative law judge or by the Regional Administrator in and for the region where the facility or plant is located. Any party who is dissatisfied with the decision may appeal it to the Administrator. No judicial appeal is allowed unless these administrative channels have been fully utilized.

As of September 30, 1976, a total of 2328 requests for hearings and/or legal opinions were received by the EPA Regional offices. Nearly one-half of these requests have been either settled or dismissed without further proceedings. Of the remaining hearings, only one-third involve "major" industrial dischargers, and it has been estimated that 90% or more of these major facilities will achieve compliance with final effluent limitations by the July 1, 1977, statutory deadline.

The most prominent factual issues raised in the hearing requests relate to the determination of effluent limitations in the absence of promulgated guidelines. In addition, EPA conducted several important hearings involving power plants during 1976, and in these cases the key questions concerned thermal limitations and the impact of cooling water intake structures. One of the largest cases completed by the Agency in 1976 concerned United States Steel Corporation's Monongahela River Valley complex located in Pittsburgh. This facility is the largest integrated steel-making plant in the country, and represents about 25% of USSC's domestic steel-making capacity. Nearly eighteen months of investigations, studies, negotiations and pre-hearing conferences culminated in USSC's agreement to substantially reduce its wastewater discharges in accordance with a reasonable compliance timetable.

NPDES Compliance Monitoring

EPA's NPDES compliance monitoring program covers all aspects of EPA activity utilized in determining compliance with permit conditions and actions initiated in instances of noncompliance. It includes Compliance Review and Compliance Inspections. Compliance Review is the review of all written material relating to the status of compliance of an NPDES permit, including Compliance Schedule Reports, Discharge Monitoring Reports, Compliance Inspection Reports, etc. Compliance Inspection refers to all field related activities conducted to determine the status of compliance with permit requirements, including sampling inspections, non-sampling inspections, production facility inspections, and remote sensing (aerial photography).

The highest priorities of the enforcement program and the basic thrust of the compliance monitoring activities are to ensure the completion and the effective operation of treatment facilities by major industrial and municipal permittees to meet the requirements of the FWPCA.

In FY 1976 (July 1, 1975 - September 30, 1976), EPA and the States have reviewed approximately 200,000 self-monitoring reports and have conducted 8,300 sampling and 27,200 non-sampling inspections. EPA has also assisted in the development and provided an overview of State compliance monitoring programs. As a result of these and our other enforcement activities, compliance of major industrial and municipal facilities has been substantial. Statistical information available for EPA Regional programs show that as of September 1976, 87% of major nonmunicipal permittees were in compliance with permit schedules, 82% of the major municipal permittees were in compliance with permit schedules, and 75% of major municipal permittees were in compliance with effluent limitations.

Compliance Evaluation Inspection Manual

During FY 1976 the Office of Water Enforcement completed and mailed to all EPA Regions and States, copies of the NPDES Compliance Evaluation Inspection Manual (CEI). The CEI Manual contains a compilation of procedures to be followed by inspectors in conducting non-sampling inspections of facilities with NPDES permits. The areas covered are records maintenance, operation and maintenance, compliance schedule, self-monitoring, and reporting. Special emphasis is placed on assuring that the permittee is collecting representative samples of his discharge and that the samples are analyzed using proper laboratory techniques and approved methods.

A standardized inspection report form was also developed and issued concurrently with the CEI Manual.

A companion manual dealing with sampling procedures and techniques is presently being developed by a Work Group of EPA and State representatives and is expected to be completed in late FY 1977.

NPDES Enforcement

The FWPCA provides for various enforcement mechanisms to assure compliance with the requirements of the NPDES program. These primarily consist of (1) the issuance of section 309(a)(1) Notices of Violations (NOVs) to dischargers with NPDES permits issued by approved States (2) the issuance of section 309(a)(3) orders to dischargers with EPA-issued permits and to dischargers with State-issued permits who fail to comply with NOVs, and (3) referral of cases to the U.S. Attorneys to bring civil or criminal actions against violators of NPDES permits and the FWPCA. Section 309 provides for the imposition of civil penalties of up to $10,000 per day. Section 309 also provides for criminal fines of not less than $2,500 nor more than $25,000 per day for each violation or not more than one year imprisonment for first offenders and fines of up to $50,000 and two years imprisonment for second offenders. Also, in emergency situations where there is an imminent and substantial endangerment to public health and welfare the Administrator may seek immediate injunctive relief in Federal district court.

As violations are detected through various compliance monitoring activities EPA Regional Offices can draw from a number of informal and formal enforcement responses (e.g., telephone call, letter, request for a conference, inspection, administrative order, NOV or judicial action). Generally, voluntary compliance is sought first as the easiest, most cost-effective way in which to obtain compliance. The more formal enforcement responses are utilized for the most serious violations with resort to civil or criminal action where efforts to achieve voluntary compliance are unsuccessful.

During the first nine months of 1976, 653 administrative orders and 91 Notices of Violation were issued, and 83 cases were referred to the Justice Department for civil or criminal relief. Enforcement activity can be expected to continue at present levels and perhaps increase as more schedules and deadlines fall due during 1977.

Non-NPDES Enforcement

The non-NPDES enforcement program is responsible for providing technical and legal support to achieve compliance with section 311 and section 404 of the FWPCA, and with the Refuse Act, the Safe Drinking Water Act, and the Marine Protection, Research and Sanctuaries Act.

FWPCA - Section 311

Under section 311, designed to eliminate unauthorized discharges of oil and hazardous materials, EPA shares administrative and enforcement responsibilities with the Coast Guard and other Federal agencies. In response to oil spills, EPA staff members investigate the incidents and make recommendations for the assessment of civil penalties up to $5,000 under section 311(b)(6). If a discharger fails to notify immediately the proper authorities of a spill, EPA staff assist the U.S. Attorneys in the preparation of cases under section 311(b)(5) which provides for criminal fines up to $10,000 and imprisonment for up to one year.

EPA has promulgated Spill Prevention, Control and Countermeasure (SPCC) regulations which require the development and implementation of plans to prevent oil spills. Routine inspections are conducted to assure compliance with the SPCC regulations. Where noncompliance is detected, the violator is issued a Notice of Violation under section 311(j)(2) in which a civil penalty of up to $5,000 per day is proposed to be assessed. The recipient of the Notice is advised that he may request an informal hearing at which he may contest the finding of a violation or the size of the penalty. If after the final penalty has been assessed the violator refuses to pay an SPCC civil penalty, EPA refers the case to the U.S. Attorney for collection.

Since January 1976, 734 oil spill cases have been referred to the Coast Guard for section 311(b)(6) civil relief and 9 cases have been referred to the U.S. Attorney for criminal relief under section 311(b)(5) for failure to notify of an oil spill. In addition, over 866 SPCC Notices of Violation have been issued. The SPCC program appears to be a significant factor in reducing oil spills. Recent statistics indicate that from 1974 to 1975 there has been a 23% reduction of non-transportation-related oil spills.

EPA WATER ENFORCEMENT ACTIONS BY REGION

January 1976 - September 1976

	I	II	III	IV	V	VI	VII	VIII	IX	X	TOTAL
SECTION 309 - FWPCA											
Administrative Order	30	83	137	90	69	125	5	21	33	60	653
Notice of Violation	0	0	18	2	24	0	0	35	11	1	91
Referrals	4	10	8	22	7	5	10	6	4	7	83
SECTION 311 - FWPCA											
Oil Spills USCG	35	29	180	148	145	111	45	16	18	7	734
Spill Referrals US Atty	0	0	0	4	0	0	5	0	0	0	9
Spill Prevention Control Counter-measure viol.	151	54	67	124	106	77	97	16	112	62	866
Miscellaneous NON-NPDES Violations	0	0	0	0	0	1	1	0	0	0	2
TOTAL	220	176	410	390	351	319	163	94	178	137	2438

WATER ENFORCEMENT ACTIONS INITIATED BY EPA
1 JAN 76 - 30 SEP 76
BY CATEGORY, BY MONTH

	Section 309			Section 311				
	Administrative Order	Notice of Violation	Referrals	Oil Spills USCG	Spill Referrals US ATTY	Spill Prevention Control Countermeasure	Miscellaneous NON-NPDES Violations	TOTAL ACTIONS
1976								
JAN	56	5	13	79	2	45	0	200
FEB	68	9	9	58	0	91	0	235
MAR	78	13	11	113	1	101	0	317
APR	59	16	11	68	0	93	0	247
MAY	41	5	6	80	2	72	0	206
JUN	162	14	15	132	1	136	*1	461
JUL	63	6	4	61	0	115	*1	250
AUG	65	13	6	79	1	148	0	312
SEP	61	10	8	64	2	65	0	210
TOTAL	653	91	83	734	9	866	*2	2438

*Represents Referrals to US Attorney for refusing to pay assessed SPCC Penalties.

OVERALL SUMMARY OF EPA WATER ENFORCEMENT ACTIONS -- RESULTS AND STATUS, BY REGION

ALL ACTIONS INITIATED IN THE NINE MONTH PERIOD JANUARY 1, 1976 THROUGH SEPTEMBER 30, 1976

Actions Initiated and Results Reported through 9/76.	EPA REGION I	II	III	IV	V	VI	VII	VIII	IX	X	EPA TOTAL
Total # of Actions Initiated in Period:	220	176	410	390	351	319	163	94	178	137	2438
*Pollution Abated or Compliance Obtained or in Progress via Administrative Action.	13	49	75	27	40	27	2	UNK	15	28	276
*# of Cases for which Civil/Criminal Court Proceedings or US Coast Guard Civil Proceedings have been concluded.	9	2	24	23	49	8	1	9	8	6	139
*# of Spill Prevention Control Countermeasure Plans (Civil) Proceedings have been concluded.	32	26	34	27	31	46	63	9	29	12	309
*Total Civil Penalties or Criminal Fines collected.	38 $14,700	21 $82,550	59 $44,525	49 $83,125	72 $38,125	46 $32,100	59 $20,195	17 $78,300	34 $42,225	16 $102,825	411 $538,670
*# of Cases Prosecution was dismissed, withdrawn or declined.	5	4	1	8	18	10	15	1	2	3	67
# of Actions Pending or outcome unknown as of 9/30/76.	160	71	272	291	229	239	117	52	128	80	1639

* The current disposition of the majority of these actions has not yet been reported by the Regions.

FWPCA - Section 404

The year 1976 saw a great deal of activity surrounding the controversial dredge and fill permit program under section 404 of the Federal Water Pollution Control Act. Important cases were decided, interagency agreements were finalized, and significant amendments to section 404 came close to passage through Congress.

In the case of U.S. v. Byrd, the U.S. District Court for the Northern District of Indiana granted a preliminary injunction to restrain the defendants from conducting a fill operation in Lake Wawasee, Indiana. Significantly, the Court held that in order to qualify as wetlands, the land must be (1) contiguous or adjacent to navigable waters; (2) periodically inundated; and (3) supportive of aquatic vegetation. The court found all three elements existed, stating that "water levels, although a part of the definition of wetlands, are not necessarily determinative of whether or not a certain area can be defined as 'wetlands.'"

In another case, a developer pleaded nolo contendere to charges of illegal dredge and fill activities near Ocean City, Maryland. Under the terms of an agreement following the entering of the plea, the developer undertook restoration activities estimated to cost in excess of $60,000, and paid a criminal penalty.

On June 1, 1976, an interagency agreement on enforcement policy was signed by leading representatives of EPA, the U.S. Corps of Engineers and the Department of Justice. Although the Corps retains primary responsibility for administrative enforcement of section 404 violations, EPA may issue section 309 administrative orders in emergency situations and at the request of the Corps. More serious actions warranting civil or criminal proceedings may be referred to the Department of Justice by either the Corps or EPA, or may be initiated by the Department of Justice itself. In any such case, EPA enforcement personnel must be apprised of all significant developments and may participate directly in the proceedings. Both the Corps and the Department of Justice have followed this agreement with further guidelines and instructions to their regional offices.

Update On Reserve Mining Company Case

The previous EPA Enforcement Report contained a capsule review of major events transpiring through May 1976 in this most costly and protracted water pollution litigation. A number of significant developments have occurred since that time. In response to numerous public inquiries, a chronological account of events to date appears below.

To recap briefly, the Reserve Mining Company, an equally-owned subsidiary of ARMCO and Republic Steel Companies, is dumping 67,000+ tons per day of taconite iron ore processing wastes into Lake Superior at Silver Bay, Minnesota. Because State-initiated litigation and Federal administrative enforcement actions -- both begun as long ago as 1969 -- failed to produce abatement of the pollution caused by this discharge, the Federal government, joined by the States of Minnesota, Michigan, Wisconsin, and various environmental interest groups, filed suit in Federal court, alleging violations of the Refuse Act of 1899, the pre-1972 Federal Water Pollution Control Act, and the Federal common law of public nuisance. Trial began on August 1, 1973, before Federal District Court Judge Miles W. Lord, District of Minnesota. 1/

Until June 8, 1973, the case was essentially a water pollution abatement case, but with the discovery by EPA researchers that asbestos fibers traceable to the Reserve Mining operations were present in the air at Silver Bay and in the drinking water supplies of various cities and communities on Lake Superior's western shore, the public health hazard posed by these asbestos fibers became a signal focus of the trial proceedings.

On April 20, 1974, after hearing extensive testimony by plaintiffs, defendants, and independent court-appointed experts, Judge Lord entered an order closing Reserve Mining's Silver Bay facilities on the grounds that Reserve's water discharge violated Federal water pollution laws, that its air emissions violated State air pollution regulations, and that both the air emissions and water discharges constituted common law nuisances. The core findings basic to the decision were that the discharge into the air substantially endangered the health of the people of Silver Bay and surrounding communities as far away as the eastern shore in Wisconsin, and that the discharge into the water substantially endangered the health of people procuring their drinking water from the western part of Lake Superior, including the communities of Beaver Bay, Two Harbors, Cloquet, Duluth, as well as Superior, Wisconsin. 2/

Reserve Mining immediately appealed Judge Lord's injunction, and a panel comprised of Circuit Judges Bright, Ross, and Webster of the U.S. Court of Appeals, Eighth Circuit, granted a short stay of the injunction on the evening of April 22, 1974, following an informal hearing conducted at Springfield, Missouri, to hear counsel for the opposing parties. On June 4, 1974, the same three-judge panel issued a 70-day stay of the injunction, conditioned ". . . upon Reserve taking prompt steps to abate its discharges into air and water . . . ." 3/

The June 4, 1974, Appeals Court Order granting a 70-day continuation of the stay also remanded the case to the District Court and set out a procedure by which Reserve was to submit plans for abating its discharges into the air and water, with plaintiffs accorded an opportunity to comment on such plans. The District Court then was to make its recommendations to the Court of Appeals on whether the stay of the injunction should be continued pending the appeal on the merits. Such recommendation should rest on "whether Reserve and its parent companies have evidenced good faith efforts and a reasonable plan in the public's interest to abate the pollution of air and water . . ." In an August 3, 1974, opinion, Judge Lord found that the plan advanced by Reserve was ". . . conceptual at best . . . ," and that he recommended its rejection, as well as the non-continuance of the stay order. 4/

In October 1974, Minnesota and the United States applied to the United States Supreme Court for relief from the further stay order. The Supreme Court denied the petition, indicating it would reconsider if the Appeals Court did not resolve the case by January 31, 1975. 5/

On October 18, 1974, Judge Lord issued an unpublished memorandum opinion, ruling that Reserve's discharge to water violated the Refuse Act of 1899, and that its water discharges and air emissions violated various Minnesota statutes and regulations; noting no just reason for delay, he directed the entry of final judgment on all claims decided, save the question of fines and penalties, the question of sanctions for failure to make discovery, and the question of liability of defendants for the water filtration systems that may be installed in Duluth, Minnesota, and Superior, Wisconsin. 6/

The Eighth Circuit Court of Appeals issued its opinion on the merits of the case on March 14, 1975, affirming the injunction but directing modification of its terms. The key rulings by Circuit Judges Lay, Bright, Ross, Stephenson, and Webster, sitting En Banc, are quoted below:

> ". . . 1) The United States and the other plaintiffs have established that Reserve's discharges into the air and water give rise to a potential threat to the public health. The risk to public health is of sufficient gravity to be legally cognizable and calls for an abatement order on reasonable terms.
>
> 2) The United States and Minnesota have shown that Reserve's discharges violate federal and state laws and state pollution control regulations, also justifying injunctive relief on equitable terms.
>
> 3) No harm to the public health has been shown to have occurred to this date, and the danger to health is not imminent. The evidence calls for preventive and precautionary steps. No reason exists which requires that Reserve terminate its operations at once.
>
> 4) Reserve, with its parent companies, Armco Steel and Republic Steel, is entitled to a reasonable opportunity and a reasonable time period to convert its Minnesota taconite operations to on-land disposal of taconite tailings and to restrict air emissions at its Silver Bay plant, or to close its existing Minnesota taconite-pelletizing operations.

> The parties are required to expedite consideration and resolution of these alternatives.
> 5) The evidence suggests that the threat to public health from the air emissions is more significant than that from the water discharge. Consequently, Reserve must take reasonable immediate steps to reduce its air emissions . . . ." 7/

In remanding the case to the District Court, the Court of Appeals addressed additional issues, among them the following:

a. Only Reserve Mining and the State of Minnesota are to resolve the dispute over an on-land disposal site for the taconite tailings wastes. The Federal government, Michigan, Wisconsin, and the Federal courts have no rights of participation in the decision-making process, except as provided by Minnesota law, although the United States may petition the District Court for relief to protect its interest if either Minnesota or Reserve Mining do not act expeditiously. (The Appeals Court envisioned one year after final appellate decision to be a reasonable time for Minnesota to act on Reserve Mining's application for an on-land disposal site, including time for the two parties to agree on another site; after these administrative steps, Reserve is to be given reasonable turnaround time to construct the facility.)

b. Until Reserve's discharges are eliminated, filtered water is to be provided to the people of Duluth and other communities on Lake Superior.

On January 6, 1976, the Eighth Circuit Court of Appeals ordered that the case be remanded to the Chief Judge of the District Court for reassignment to another District Judge. 8/

Following the January 6 decision for remand, District Court Chief Judge Edward J. Devitt took over the case. In a statement issued on January 23, 1976, he summarized the issues remaining within the province of the Federal Court, as follows:

> "1) To continue ready availability of safe filtered water to all persons in the area until completion of permanent filtration facilities.
>
> 2) To give expeditious hearing to claimed new evidence on the health hazard.
>
> 3) To determine reimbursement for filtration expense.
>
> 4) To consider assessment of fines, penalties and costs.
>
> 5) To afford court supervision over, and enforcement of, time schedules and abatement orders. 'The court will be watchful, as charged, that Minnesota and Reserve move on schedule with "deliberate speed to facilitate Reserve's determination of its water discharge and air pollution."'" 9/

On February 21, 1976, Judge Devitt ruled that liability rested on Reserve Mining, Armco, and Republic for interim filtration and water supply expense reasonably incurred by the United States pursuant to the Court-ordered program. He denied a motion by the United States to require advance payment of anticipated expenses because the need for such was not shown in view of the adequacy of funds allocated to the Corps of Engineers to carry out the Court-ordered program. In discussing Reserve's urging that the government, rather than Reserve, should foot the bill for clean water costs -- given Reserve's anticipated changeover-to-land-disposal expenses and its historical contribution to Northern Minnesota's economy -- Judge Devitt observed as follows:

> ". . . The history of the beginnings of the taconite industry in Northern Minnesota and its successful operation for many years may well reflect just what is represented by defendants, but this does not minimize the obligation of defendants to shoulder the legal liabilities incident to the operation of a profit-making corporation in the free enterprise system. This was exactly the kind

> of business risk assumed by Reserve when it sought, and was granted, the necessary permits to discharge its tailings in Lake Superior . . .
>
> Then Minnesota Conservation Commissioner Chester S. Wilson warned Reserve of this risk at a public hearing on June 17, 1974, in an exchange with H. S. Taylor, representing Reserve. The colloquy:
>
> Chairman Wilson: 'And you understand that if the permit should be granted and the discharge from the water from this plant should result in damaging consequences not contemplated, that the responsibility would be on your company or on the applicant company to take whatever action might be necessary to remedy those conditions.'
>
> Mr. Taylor: 'Why yes, we can stand that risk in any event we have to take certain risks.'
>
> Late at the hearing, Mr. Taylor said: 'This company will be a responsible company and we will recognize our legal liabilities.'
>
> The Court finds legal liability upon Reserve and hopes it will be a responsible company and recognize it . . . ." 10/

On May 4, 1976, Judge Devitt fined Reserve Minning Company more than $1 million for violations of its Minnesota water discharge permit and for violation of Court rules on discovery. In addition, Judge Devitt ordered Reserve to pay $22,920 to Duluth, Minnesota for reimbursement of costs incurred in supplying filtered water to the City. In the language of the Order:

> "SUMMARY"
>
> "We determine that:
>
> 1. Defendants violated the terms of the state granted water discharge permits daily between May 20, 1973, and April 20, 1974, - a period of 335 days - and are assessed penalties of $2,500.00 per day for a total of $837,500.00.

> 2. Reserve violated court rules and orders as to discovery and is assessed sanctions of $200,000.00.
>
> 3. The city of Duluth is entitled to be reimbursed in the approximate sum of $22,920.00 for furnishing interim clean water facilities and supplies to its residents."

The Chief Judge then observed:

> "The court has now determined all pending issues properly within its province. Remaining for resolution is agreement between the State of Minnesota and Reserve Mining Company as to an appropriate on-land taconite waste disposal site. Prompt accord on this issue hopefully will signal the end of this long pending, and often acrimonious, controversy so that Minnesota and its people can return to a normal and productive society with the environment preserved and public health protected." 11/

Reserve Mining Company immediately appealed Judge Devitt's Order.

Following the Court of Appeals decision of March 14, 1975, (supra) Reserve filed an application with the State of Minnesota for an on-land disposal permit at "Mile Post 7." Minnesota thereupon conducted an environmental impact study of this and possible alternative sites and held public hearings on the findings which were concluded in May 1976. The State hearing examiner determined that Mile Post 7 was unacceptable and recommended an on-land disposal site at Midway, a point further inland from the Lake. On motion of the United States (at the request of EPA) Judge Devitt in the Federal court action on June 10, 1976, ordered all parties to appear on July 7, 1976, prepared either to agree to an acceptable on-land disposal site or to accept an immediate court order directing Reserve to phase out its operation within one year in keeping with the Court of Appeals instructions. Prior to the July 7 hearing Minnesota adopted the hearing examiner's decision whereupon Reserve announced its intention to appeal the State decision. At the July 7 hearing Judge Devitt gave Reserve Mining until midnight, July 7, 1977, to terminate its discharge into Lake Superior. Reserve immediately announced that it would also appeal this order.

Through its Reserve Mining Task Force, EPA and other concerned Federal agencies are continuing to work with the State of Minnesota, offering expert advice and assistance to aid in permanently resolving the problem in an expeditious and environmentally-sound fashion.

---

[1] The Federal/State enforcement steps pursued prior to August 1, 1973, to abate the pollution caused by Reserve Mining Company's discharge to Lake Superior included the following actions:

1/16/1969 -- Secretary of the Interior called Enforcement Conference for Lake Superior under sect. 10(d) of pre-1972 FWPCA

5/13/1969 -- Lake Superior Enforcement Conference commenced

Feb. 1970 -- Minnesota Pollution Control Agency files suit in State Court, charging violation by Reserve Mining Company of State anti-pollution law and of State's interstate water quality standards. See Reserve Mining Co. v. Minnesota Pollution Control Agency (4 ERC 1513)

4/28/71 -- U.S. Environmental Protection Agency issues 180-Day Notice under sect. 10(c)(5) of pre-1972 FWPCA (thereby discontinuing sect. 10(d) procedure)

1/19/1972 -- EPA requests Attorney General of the U.S. to file suit in Federal court under sections 10(c)(5) & 10(g)(1)

2/14/1972 -- EPA requests Atty. General to file additional claim under sect. 10(g)(2), based on Minnesota Governor's consent.

2/ U.S. v. Reserve Mining Co., 380 F.Supp.11,16,17,20,21 (6 ERC 1449) D. Minn. 1974, and Supplemental Memorandum Opinion of May 11, 1974, 380 F.Supp. 11,21 (6 ERC 1657) D. Minn. 1974

3/ Reserve Mining Co. v. U.S., 498 F.2d 1073 (6 ERC 1609), 8th Cir. 1974

4/ Reserve Mining Co. v. U.S., 498 F.2d. 1073 (6 ERC 1609), 8th Cir. 1974

5/ Minnesota v. Reserve Mining Co., 95 S.Ct. 287 (7 ERC 1113) 1974

6/ (7 ERC 1096)

7/ Reserve Mining Co. v. U.S., 514 F.2d 492, 499-500 (7 ERC 1618) 8th Cir. 1975

8/ (8 ERC 1511)

9/ Statement of Chief Judge Edward J. Devitt, January 23, 1976

10/ (8 ERC 1689)

11/ (8 ERC 1978); (5-72-Civil-19) Order filed May 4, 1976, DC, Minn, Fifth Div.

City of Camden, New Jersey (Region II)

On June 28, 1976, an order was issued by Judge Stanley Brotman in the United States District Court for the District of New Jersey requiring the City of Camden, New Jersey, to repair and maintain the City's Main and Baldwin's Run sewage treatment plants.

The City of Camden is located within an area designated for area-wide waste treatment management and its wastewater ultimately will receive treatment in a regional facility. Until such time, however, the City is responsible for its wastewater disposal.

An NPDES permit was issued for each plant, requiring the City to maintain and operate the facilities as efficiently as possible. EPA contended that this imposed an obligation on the City to repair existing treatment equipment and to maintain the facilities during their useful life in a manner that will yield treatment levels commensurate with the plants' original design capabilities.

The plants were inspected by the EPA and found to be in a badly deteriorated condition. Up to 40,000,000 gallons of raw and poorly-treated sewage were being discharged daily to the Delaware River. Pursuant to section 309, EPA issued two administrative orders, requiring the City to repair and place into operation all non-functioning waste treatment equipment and to submit a schedule for the completion of the work within the shortest practicable period of time. The City failed to comply, claiming it lacked the necessary funds. EPA referred the violations to the United States Attorney for civil action.

Judge Brotman ordered the City to restore the Main treatment plant within sixteen months and Baldwin's Run plant within thirteen months. He further ordered the City to take all necessary actions to ensure that funds are available for repairs and maintenance including dedication of sewer revenues, rentals and receipts.

EPA suggested that a penalty of $3,000,000.00 be imposed, against which the City would be allowed to deduct the cost of repairs. Judge Brotman refused to impose the penalty since he believed that the City was making good faith efforts to comply with the permits and orders. However, he expressly retained jurisdiction over the case so that, if necessary, enforcement of the terms and conditions of the court order could be undertaken through the exercise of his contempt powers.

EXXON Corporation and Nabors Alaska Drilling, Inc.

On September 1, 1976, the EXXON Corporation paid a civil penalty of $100,000, the largest civil penalty ever assessed, for violation of the Federal Water Pollution Control Act of 1972. EXXON was penalized for having discharged 544,000 gallons of polluted wastewater into the Beaufort Sea some 60 miles east of Prudhoe Bay. The discharge occurred on Flaxman Island, on the Alaskan North Slope where EXXON had been drilling an exploratory well. A reserve mud pit near the oil rig was partly drained, dumping water containing pollutants including oil for a period from June 25 to July 7, 1975. EXXON had not applied for or been issued an EPA permit to discharge wastes at the time of the discharge. In addition to the penalty, the settlement agreed to by EXXON requires the company to obtain permits from the Environmental Protection Agency for any future discharges into U.S. navigable waters, and also to report to the Agency any exploratory drilling operations that the company intends to undertake.

Safe Drinking Water Act (SWDA)

This statute, enacted in December 1974, provides two principal means of protecting currently used or potentially available sources of drinking water.

Control of Public Water Supplies

The first, comprising parts B & D of SDWA, sets maximum allowable levels of contaminants in drinking water furnished by public water systems, and a regulatory scheme to assure compliance with the allowable levels of contaminants in the water furnished by such systems, and to assure compliance with related sampling, analysis, and reporting requirements. The regulatory scheme also provides for exercise by the Administrator or the Federal courts of emergency powers relating to the control of contaminants in or likely to enter public water supplies which may present an imminent and substantial endangerment to the health of persons.

Through December 31, 1976, the emergency authority has not been exercised.

The statute provides a means of granting States the authority to operate the regulatory program (primacy) if it meets with program requirements set by the Administrator, with EPA, acting through its Regions, exercising an overview role. In States which do not have primacy, the Regional office of EPA will operate this portion of the regulatory program after the first set of regulations setting contaminant levels become effective in June 1977. Two novel features of this program should be noted:

(1) Any public system which has a violation, in addition to facing fines or court actions brought by the States and/or EPA, must also report the violations to its customers.

(2) Under the SDWA, as distinguished from NPDES, all laboratories furnishing test results must, by regulation, be certified by the State or by the Region as surrogate State.

Protection of Underground Sources of Drinking Water

The second means of protection of present or potential water supplies is set forth in Part C of SDWA, and relates to the protection of underground sources of drinking water by preventing the underground injection of fluids which endanger drinking water sources. This portion of the statute likewise provides for primary enforcement responsibility entrusted to States which comply with EPA requirements, and provides for EPA to act in those States which do not assume enforcement responsibility. This program is to become operational in December 1977.

Also included as a part of Part C is a provision for the protection, on an interim basis, until the permanent program becomes effective, of aquifers in areas where those aquifers are the sole or principal source of drinking water for that area. The only aquifer designated to date is the Edwards Aquifer, San Antonio, Texas. Thus far, there have been no known violations of the requirements of the Edwards aquifer regulations and therefore no enforcement actions have been taken under the enforcement portion of the interim program.

Marine Protection

Title I of the Marine Protection, Research, and Sanctuaries Act provides for the United States Coast Guard to conduct surveillance and enforcement activities to prevent unlawful ocean dumping. EPA has the authority to assess civil penalties for violation of ocean dumping permit conditions, and to seek criminal prosecution against persons who knowingly violate the Act.

In the 3 years of the program's existence EPA has brought 26 enforcement actions against permittees who have violated permit conditions. In 14 of these actions penalties have been imposed amounting to $79,900. Preliminary reports indicate that $3,200 in penalties have been collected in 1976. Nine enforcement actions are still pending with no penalties assessed as of yet.

Since 1972, EPA has brought all ocean dumping activity under full regulatory control and has required many dumpers either to stop dumping immediately or to phase out these activities within the next few years. In exercising its regulatory responsibilities, EPA has followed a highly restrictive approach, requiring that dumpers seek environmentally acceptable alternatives to ocean dumping even when the wastes involved met the published criteria for issuing permits. While these criteria are judged adequate to permit a short-range determination of the impacts of waste material on marine ecosystems, a restrictive approach is necessary because of the present lack of specific knowledge regarding the long-term damage to the marine environment which could result from continuation of ocean waste disposal practices. EPA's ultimate goal thus aims toward eventual phasing out of all ocean dumping.

The enforcement effort is carried out primarily by EPA's Regional Offices which have broad discretion to resolve issues and assess penalties in individual cases. States may have an advisory role where their individual interests are affected. Table A lists the entities involved in enforcement actions from the inception of EPA's efforts through the date of publication of this Report.

Appreciation and gratitude are due to the United States Coast Guard whose diligence and continuing cooperation have contributed greatly to the successes achieved to date.

CHAPTER VII

NATIONAL ENFORCEMENT INVESTIGATIONS CENTER (NEIC)

To aid in carrying out the Agency's varied enforcement responsibilities, EPA operates the National Enforcement Investigations Center, located at Denver, Colorado.

NEIC's major function is to provide technical information and evidence in support of EPA enforcement actions. Emphasis is placed on NEIC's quick response in emergencies, often requiring field investigations on short notice, such as for spills of hazardous materials or emissions potentially endangering the public health or welfare. Another important function of the Center is to provide large-scale technical support for short-term studies beyond the resource capacity of other EPA units.

With a staff of highly specialized professionals, NEIC is frequently called upon by other Federal and State agencies to provide expert advice and consultation for pollution control in municipal, industrial, and agricultural categories. NEIC has gained recognition through its participation in a number of major enforcement proceedings and cases of national interest. The Center has also provided technical expertise in the development of effluent and emission guidelines for major industries nationwide.

The National Enforcement Investigations Center has access to large-scale computerized data bases and other environmental information services, and uses the latest information retrieval techniques in its case preparation activities. These resources facilitate the Center's quick and efficient response to major environmental problems such as nitrosamines, PCB's, etc.

NEIC also maintains various specialty field crews who can be deployed nationwide for case preparation activities. A modern laboratory enploying advanced chemical, biological and microbiological techniques completes the technical support capabilities.

During 1976, the National Enforcement Investigations Center has provided technical support in more than 75 enforcement actions and has responded to requests for information in several other program areas. Major cases involved assistance to Region III for the U.S. Steel adjudicatory hearings and expert testimony in the Kepone cases; technical support to Region X for preparation of the Bunker Hill action; and initiation and development of a program of pesticide use investigations for the assessment of mass application practices. NEIC's stack sampling teams have completed examination of 11 sources involving smelters, chemical, fertilizer and cement manufacturing facilities.

The United States Steel investigations, at Pittsburgh, involved complete process evaluation, effluent characterization and treatment technology assessment for the four major Works with included nine plants. More than 100 individual waste streams were located and pollutant concentrations identified. This project required more than 24 man-years of effort and, at times, up to 30 people were stationed in Pittsburgh for periods of more than a month. The reports prepared as a result of this effort serve as the basic technical documents supporting EPA's position. U.S. Steel did not question any of the data or interpretations made by NEIC.

With respect to the Allied Chemical Company and Life Science Products Company cases relating to Kepone contamination, NEIC was requested by the Justice Department to provide three expert witnesses and to conduct pilot laboratory testing. Although the Kepone process was not operating at the time of the trials and historical data were confusing, NEIC witnesses were able to demonstrate the probable amounts of Kepone that were discharged during the manufacturing period and the effect that this discharge would have on available treatment systems.

At the request of Region IX, NEIC conducted a major evaluation of available technology for control of emissions from copper smelters in Arizona and Nevada. This effort involved not only process inspection, but also performance data accumulation through stack sampling. The reports prepared for this continuing project serve as the basis for assessing probable performance of alternate technologies at sources not now in compliance.

A pilot program to monitor mass application of pesticides to determine proper measurement procedures in areas of concern was initiated during 1976. Extensive observations and sampling of air, water and soil were made during the five major phases of mass application. These include: 1) formulation; 2) aircraft loading; 3) spraying; 4) field reentry; and 5) disposal of product residue and containers. Evaluations were made in four geographical areas located in Delaware, Mississippi, Texas and California. An overview report recommending suitable monitoring procedures is in preparation.

In cooperation with the Mobile Source Enforcement Division, NEIC has developed and demonstrated a simplified testing procedure for measuring vapor emissions during vehicle refueling. This test has been incorporated into proposed regulations for Stage II Vapor Recovery and is presently being evaluted on a large-scale basis.

NEIC has provided the Assistant Administrator for Enforcement and Regional Administrators with the ability to concentrate highly qualified technical resources on problems of national concern and/or significant Regional impact.

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APPENDIX A

SUMMARY OF EPA ENFORCEMENT ACTIONS
SECTION 110 - STATE IMPLEMENTATION PLANS
JANUARY - SEPTEMBER 30, 1976

STATE/CITY	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Alabama Butler	American Can Company pulp and paper mill	Particulate	1/6/76 NOV
Alabama Tuscaloosa	Gulf States Paper Corp. pulp and paper mill	Particulate	1/6/76 NOV
Alabama Selma	Hammermill Paper Co. pulpand paper mill	Particulate	1/6/76 NOV
Alabama Decator	Monsanto Textiles Co. textile mill	Particulate	1/6/76 NOV
Alabama Mobile	Scott Paper Co. pulp and paper mill	Particulate	3/2/76 NOV
Alabama Mobile	Citmoco Services, Inc petroleum storage	HC	3/2/76 NOV
Alabama Gadsden	Republic Steel Corporation Coke Battery	Part. matter	NOV 7/9/76
Alabama Mobile	Alabama State Docks Depart.	PM	NOV 9/1/76
Alaska Haines	Alaska Forest Products Teepee burner	VE	NOV 5/19/76
Alaska Wrangell	Alaska Wood Products Teepee burner	VE	NOV 5/19/76
Alaska Fairbanks	Municipal Utilities System Fossil fuel fired boilers	VE, SIP violation	NOV 5/19/76
Arizona Yuma	Lou-Don Milling Co./alfalfa dehydrating & jellet mfg. plt	Failure to comply with §114 request	Order 5/10/76

STATE/CITY 1	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Arizona Hayden	Kennecott Copper Corp. Ray Mines Div. sulfuric acid plt. stack & reverbatory furnace ESP	violation of §114 (refusal to install sampling facilities)	Order issued 7/22/76; order revised 7/30/76
Arizona Hayden	Asarco, Inc. copper smelter	violation of §114 (refusal to install sampling facilities and conduct performance tests)	Order issued 7/26/76; order revised 9/15/75
Arizona	Davis-Monthan AFB fuel storage tanks	HC	Consent agreement issued
California Fontana	Kaiser Steel Corp. integrated steel mill	Violation of VE Particulate Matter, and So2 and EPA Order	Civil Action 4/26/76
California San Diego	Industrial Metals & Salvage Co./wire reclamation incinerator	VE and CO Std	Consent Order 2/10/76
California Compton	Lloyd Fry Roofing Co.	VE	NOV 2/2/76
California Los Angeles	City of Los Angeles/ Dept. of Water & Power	Violation of Federally promulgated NSR	Administrative Order 3/12/76
California El Centrol	Valley Nitrogen Producers Inc./area prill tower	Particulate Matter Std	Order 3/12/76
California West End	Kerr-McGee Chemical Corp./ West End Plt-Grade 80 facility	VE, Particulate Matter, and fugitive dust Std	Consent Order
California Barstow	Calico Rock Milling Inc./ rock crusher	VE Std	NOV 4/30/76
California Fontana	Rockwool Industries, Inc./ Baghouse stack, cupolas boiler, incinerator	VE Std	NOV 5/20/76
California Kern County	Standard Oil of Calif./ Kern River Oil Field/Steam	Violation of Federally promulgated NSR req.	NOV 6/8/76

STATE/CITY[1]	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
California Tracy	Owens-Illinois Inc./ Glass Container Div.	Particulate Matter Std	NOV 6/28/76
Connecticut Cos Cob	Penn Central/ Electric Generating Plant	Particulate/VE and Mass Emissions; SOx Sulfur content	Order 1/7/76
Connecticut Wallinford	Wallingford Dept. of Public Utilites/Electric Generating Plant	Particulate/VE and Mass Emissions; SOx Sulfur Content	NOV 3/23/76 Order 6/2/7
Connecticut Plainfield	Pervel Industries	HC	Order 1/22/76
Connecticut Ansonia	Farrel Co.		NOV 3/23/76
Delaware Delaware City	Getty Oil Company Coker	Particulate	NOV 6/30/76
Florida Bartow	Farmland Industries Sulfuric Acid Plants	SO2 Emissions	3/26/76 Admin. Order
Florida Tampa	Nitram, Inc. Nitric Acid Plant	NOx	04/27/76 NOV
Florida Gainesville	Alachua County Regional Util. Bd. Kelly Power Plant	Particulate	04/27/76 NOV
Florida Gainesville	Alachua County Regional Util. Bd. bDeer haven power plant	Particulate	04/27/76 NOV
Florida Winter Garden	Winter Garden Citrus Products Coop Citrus Peel Dryer	Particulate	04/27/76 NOV
Florida Pensacola	Monsanto Nitric Acid Plant&Boilers	NOx, SO2	04/27/76 NOV
Florida St. Petersburg	Florida Power Corp. power plant	Particulate	04/27/76 NOV
Florida Lowell	Mid Florida Mining Fullers Earth Dryer	Particulate	04/27/76 NOV
Florida Ocala	Asphalt Pavers, Inc. Anpahlt Plant	Particulate	04/27/76 NOV
Florida Miami	City of Miami Municipal Incinerator	Particulate	04/27/76 NOV

STATE/CITY[1]	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Flordia Key West	City Electric Corp. power plant (Stock Island)	part. matter	NOV 9/22/76
Florida Key West	City Electric System power plant (Trumbo Road)	VE	NOV 9/22/76
Flordia Winter Garden	Winter Garden Citrus Products Cooperative dryers	part. matter	NOV 9/22/76
Florida Jacksonville	Jacksonville Electric Authority power plant-north side plant	VE	NOV 9/22/76
Flordia Moore Haven	Glades County Sugar Growers Cooperative boiler	part. matter	NOV 9/22/76
Flordia Port St. Joe	St. Joe Paper Co. power boilers	Part. matter/VE	NOV 9/22/76
Flordia Brooksville	Dairy Service Copr. peel dryer	part. matter	NOV 9/22/76
Flordia Tampa	Reynolds Metals Co. Can Plant	hydrocarbons	NOV 9/22/76
Florida Ft. Lauderdale	Broward Co. Incinerator	PM	NOV 9/22/76
Florida Foley	Buckeye Cellulose Bark Boiler & Lime Kilns	PM	NOV 7/28/76
Florida Red Level	Florida Power Corp. Power Plt. (Crystal River)	PM/VE	NOV 9/28/76
Georgia Macon	The Bibb Co. textile mill	Particulate	5/21/76 NOV
Georgia Gainesville	Trotman Asphalt asphalt plant	Particulate	5/21/76 NOV
Georgia Trion	Riegel Textile Corp. textile mill	Particulate	5/21/76 NOV
Georgia Cedar Springs	West Point Pepperell-Lindale textile mill	Particulate	5/21/76 NOV

STATE/CITY	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Georgia Columbus	West Point Pepperell-Columbus textile mill	Particulate	5/21/76 NOV
Georgia Chatsworth	Southern Talc Company	Particulate	5/21/76 NOV
Georgia Cartersville	Chemical Products Corporation Rotary Kilns	Part. Matter	Amended Administrative order 7/19/76
Georgia Savannah	Union Camp Corp. bark boilers	part. matter	§113 amended order 9/2/76
Hawaii Ookala	Laupauhoehoe Sugar Co./ bagasse and oil fired boilers	Violation of Federally promulgated compliance schedule VE/pariculate Matter Std	Civil Action 2/13/76
Hawaii Honolulu	City & County of Honolulu/ Kapalama, Kewalo, and Walupahu municipal incinerators	VE Particulate Matter	Revision of administrative Order 2/9/7
Hawaii Puunene	Hawaiian Commerical & Sugar Co./bagasse & oil fired boilers	Violation of Federally approved compliance schedule opacity and Particulate Matter Std	NOV 3/26/76
Hawaii Paia	Hawaiian Commerical & Sugar Co./bagasse & oil fired boilers	Violation of Federally approved compliance schedule, opacity and Particulate Matter std.	NOV 3/26/76
Hawaii Kahului, Maui	Maui Asphalt Hookano Paving Co. asphalt batch plt.	VE	NOV 7/2/76
Hawaii Ewa Beach	Cyprus Hawaiian cement Corp.	NSPS violation	7/12/76 order issued
Idaho McCall	Boise Cascade Corp. Wigwam Burner	VE	Compliance schedule 3/9/76
Idaho Kellogg	Bunker Hill Co. zinc/lead smelter	failure to submit data requested §114	NOV 6/28/76
Idaho Kellogg	Bunker Hill Co. zinc/lead smelter	SO2-SIP violation	NOV 5/19/76

STATE/CITY	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Idaho Kellogg	Bunker Hill Co. lead smelter	fugitive	§114 request for info. 8/11/76
Idaho Nampa	Amalgamated Sugar Co. dryers	part. matter	Amend to a compliance order 8/16/76
Idaho Idaho Falls	H-K Contractors, Inc. mobile asphalt concrete plt.		Compliance order issued 8/31/76
Idaho Kellogg	Bunker Hill Co. lead smelter	fugitive	referred for civil or criminal litigation 7/12/76
Illinois Mt. Carmel	Public Service Co., Indiana Gibson #3 boilers	NSPS	referred on (Civil action
Illinois Joppa	Electric Energy, Inc. boiler	SO2	NOV 5/17/76
Illinois Chicago (South Works)	U.S. Steel BOP-roof monitor	TSP	NOV 4/1/76
Illinois Kincaid	Commonwealth Edison Co. boilers	SO2	NOV 3/12/76
Illinois South Chicago	Republic Steel	TSP	Order 3/24/76
Indiana E. Chicago	Inland Steel #1 CO Battery #7 Blast furnace #5 Boiler House	TSP	NOV 6/23/76 (NSR)
Indiana Gary	U.S. Steel coke battery #3	NSR	NOV 5/13/76
Indiana East Chicago	Inland Steel coke battery #1	TSP	NOV 4/9/76
Indiana Burns Harbor	Bethlehem Steel	TSP	NOV 2/9/76
Indiana Indianapolis	Citizens Gas & Coke	TSP	NOV 4/28/76

STATE/CITY 1	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Indiana Chesterson	Northern Indiana Public Service Co.	PT	NOV 8/10/76
Indiana Indianapolis	Marathon Oil Co. bulk terminals	HC	NOV 8/27/76
Indiana Terre Haute	Ind. Gas & Chem. Co. Coke Batteries	PT	NOV 7/24/76
Iowa Denison	Launderville Construction Co. (Asphalt plant)	TSP	113 tracking Order issue 1/12/76
Iowa Des Monie	University Avenue Coal Co.	TSP (Fugitive dust)	113 tracking Order issue 2/25/76
Iowa Ft. Dodge	Croft Ready Mix (Concrete batch plant)	TSP	113 tracking Order issue 2/13/76
Iowa Terril	Terminal Cooperative (grain elevator)	TSP	113 tracking Order issue 2/10/76
Iowa Perry	Perry Farmer's Grain Co.	TSP	113 tracking Order issue 5/13/76
Iowa West Bend	West Bend Processing Co. (grain elevator)	TSP	113 tracking Order issue 4/26/76
Iowa Creston	Farmer's Cooperative (grain elevator)	TSP	113 tracking Order issue 5/13/76
Iowa Sanborn	Sanborn Cooperative Grain Co. (grain elevator)	TSP	113 Order issued 5/13/76
Iowa Durant	Russelloy Foundry (cupola)	TSP	113 Order issued 4/13/76
Iowa Muskatine	Grain Processing Co.	TSP	113 Order issued 5/6/76
Iowa Alta	Agland Cooperative Co. (grain handling and processing plant)	TSP	113 tracking Order issue 6/21/76
Iowa Clinton	Hawkeye Chemical (Prill Tower)	VE	113 Order issued 2/25/76

STATE/CITY 1	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Iowa Oaksale	University of Iowa (boilers 1-4)	TSP & VE	113 Order issued 3/25/76
Iowa Bloomfield	Bloomfield Foundry (cupola)	TSP	113 Order issued 3/24/76
Iowa Charles City	White Farm Equipment Co. (foundry)	TSP	113 tracking Order issue . 5/25/76
Iowa Nevada	Dowson Elevator Co. (grain elevator)	TSP	113 tracking Order issue 8/15/76
Iowa Durant	Russelloy Foundry cupolas	TSP	7/29/76 2nd rev. #113
Iowa Boone	DeKalb Ag. Research Inc. Grain handling- processing plt.	TSP	7/29/76 order issued
Iowa Oakdale	Iowa State Board of Regents Univ. Of Iowa boilers	TSP/VE	7/28/76 order issued
Iowa Sioux City	Murphy Products Co. grain handling- processing plt.	TSP	8/16/76 order issued
Iowa Clinton	Clinton Corn Processing Feed dryers	TSP	9/2/76 rev. order
Iowa Keokuk	Foote Mineral Co. industrial boilers	TSP	9/29/76 second amend to order issued.
Iowa Dubuque	Conticarriers & Terminals barge load-out system	Fugitive dust	9/28/76 order issued
Iowa Eagle Grove	Boone Valley Co-op	TSP	7/14/76 order issued
Iowa Keokuk	Hubinger Co.	SO2	7/14/76 order issued
Iowa Ames	Iowa State Board of Regents Univ. of Iowa	TSP/SO2	8/24/76 order issued
Iowa Council Bluffs	Pillsbury Co.	VE	8/26/76 order issued

STATE/CITY 1	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Kansas Tecumseh	Kansas Power & Light Co. Tecumseh Station Boilers #9 & #10	VE	113 Order issued 1/19/76
Kansas Kansas City	Certain-Teed Products Corp.	TSP	NOV 4/6/76
Kansas Coffeyville	Acme Foundry, Inc.	opacity	8/16/76 order issued
Kansas Kansas City	Certain-Teed Products, Corp. Furnaces	TSP	9/29/76 order issued
Kansas Fort Riley	Fort Riley		NOV 7/1/76
Kentucky Louisville	General Electric Co. Appliance Manufacturing	HC & Particulates	3/26/76 Admin. Order
Kentucky Louisville	LG&E Mill Creek #1 Power Plant	SIP SO2 Emissions	02/26/76 Admin. Order
Kentucky Owensboro	WR Grace & Co. Battery Separation Mfg.	Particulate	04/26/76 NOV
Kentucky Barbourville	Mashall Lumber Co. Wood products	Particulate	04/26/76 NOV
Kentucky Drift	Left Beaver Coal Co. Coal Mine	Particulate	04/26/76 NOV
Kentucky Haddix	Sigmon Bros Coal Mine	Particulate	04/26/76 NOV
Kentucky Covington	Ashland Petroleum Petroleum products	HC	04/26/76 NOV
Kentucky Calvert City	Airco Alloys Electrometallurical Products	Particulate	04/26/76 NOV
Kentucky Florence	Natico Inc. Metal Barrels	Particulate	04/26/76 NOV
Kentucky Owensboro	Owensboro Municipal Utility Elmer Smith Plant Electric Services	articulate	04/26/76 NOV
Kentucky Owensboro	Owensboro Municipal Utility Plant #1 Electric and other Services combined	Particulate	04/26/76 NOV

STATE/CITY	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Kentucky Pikeville	Adams Construction Co. paving Mixtures and Blocks	Particulate	04/26/76 NOV
Kentucky Bowling Green	L F Strassheim Wood Products	Particulate	5/13/76 NOV
Kentucky Greensburg	Greensburg Mfg., Co. wood products	Particulate	5/13/76 NOV
Kentucky Elkhorn Creek	Congleton Bros. Coal Co. Coal Mine	Particulate	5/13/76 NOV
Kentucky Yellow Rock	Kentucky Stone Co. Crushed Limestone	Particulate	5/13/76 NOV
Kentucky Whitesburg	B & B Coal Sales coal mine	Particulates	5/13/76 NOV
Kentucky Mayking	Mayking Coal Sales Coal Mine	Particulates	5/13/76 NOV
Kentucky Emmons	Kodak Mining Co. Coal Mine	Particulate	5/13/76 NOV
Kentucky Bulan	Tarheel Coals, Inc. Coal Mine truck dump area RR load out	Particulate	5/13/76 NOV
Kentucky Bulan	Tarheel Coals, Inc. Coal Mine Crushing Screeing	Particulate	5/13/76 NOV
Kentucky Burnside	Hammer Hardwood Hardwood Flooring	Particulate	5/13/76 NOV
Kentucky Monticello	Christian Wood Products Sawmill	Particulate	5/13/76 NOV
Kentucky Whitley County	Ryans Creek Coal Co. Coal Mine	Particulates	5/28/76 NOV
Kentucky Benham	Wisconsin Steel Coal Mines Coal Mine	Particulates	5/28/76 NOV
Kentucky Catlettsburgh	Repoca Resources, Inc. Coal Mine	Particulates	5/28/76 NOV
Kentucky Midway	Weisenberger Flour Mills Flour Mill	Particulates	5/28/76 NOV

STATE/CITY	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Kentucky Pike	Caney Branch Coal Co. Coal Wholesaler	Particulates	5/28/76 NOV
Kentucky Partidge	Scotia Coal Co. Coal Mine	Particulates	5/28/76 NOV
Kentucky Stearns	Stearns Mining Co. Coal Mine	Particulates	5/28/76 NOV
Kentucky Perry County	Green Brook Coal Co., Inc. Coal Mine	Particulates	5/28/76 NOV
Kentucky Owensboro	Farmers Elevator Inc. Wholesale Grain	Particulates	5/28/76 NOV
Kentucky Bell County	Mountain Drive Coal Co. Coal Mine	Particulates	5/28/76 NOV
Kentucky Colson	Johnson Elkhorn Coal Co. Coal Mine	Particulates	5/28/76 NOV
Kentucky McAndres	Eastern Coal Corp. Coal Mine	Particulates	5/28/76 NOV
Kentucky Whitesburg	Elkhorn Processing Co., Inc. Coal Mine	Particulates	5/28/76 NOV
Kentucky Elkhorn City	Hawkins Coal Co. Coal Mine	Particulates	5/28/76 NOV
Kentucky Pikeville	Hall and Adkins Coal Co. Coal Mine	Particulates	5/28/76 NOV
Kentucky London	Moss Coal Co. Coal Mine	Particulates	5/28/76 NOV
Kentucky Pike County	Hawkins Coal Co. Coal Mine	Particulates	5/28/76 NOV
Kentucky Pine Knot	Ryans Creek Coal Co. (North Tipple) Coal Mine	Particulates	5/28/76 NOV
Kentucky Beaver Dam	Lake City Coal Co., Inc. Coal Mine	Particulates	5/28/76 NOV
Kentucky Ivel	Diamond Coal Co. Coal Mine	Particulates	5/28/76 NOV
Kentucky Livermore	Green River Chair Co. Wood Furniture	Particulates	5/28/76 NOV
Kentucky Leatherwood	Blue Diamond Coal Co. Coal Mine	Particulates	5/28/76 NOV

STATE/CITY[1]	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Kentucky Grays Knob	Dixie Fuel Co. Coal Mine	Particulates	5/28/76 NOV
Kentucky Bromley	Standard Oil Co. Petroleum Products	HC	5/28/76 NOV
Kentucky Henderson	James C. Ellis Grain Co. Wholesale Grain	Particulates	5/28/76 NOV
Kentucky Harlan	Harlan Fuel Co. Coal Mine	Particulates	5/28/76 NOV
Kentucky Edmonson County	Cardinal Stone Co., Inc. Crushed & Broken Stone	Particulates	5/28/76 NOV
Kentucky Cawood	Mill Ridge Inc. Coal Mine	Particulate	5/28/76 NOV
Kentucky Manchester	Joc Coal Co. Coal Mine	Particulates	5/28/76 NOV
Kentucky Ashland	Armco Steel Corp. Steel Mill	Particulate	6/26/76 NOV
Kentucky Hatfield	Lizann Mining Corp. Coal Mine	Particulate	6/25/76 NOV
Kentucky Perry County	Starfire Coals, Inc. Coal Mine	Particulate	6/25/76 NOV
Kentucky Ownesboro	Green River Steel Steel Mill	Particulate	6/25/76 NOV
Kentucky Hopkins Creek	TCH Coal Co. Coal Mine	Particulate	6/25/76 NOV
Kentucky McAndrews	Apache Mining Co. Coal Mine	Particulate	6/25/76 NOV
Kentucky Utica	Aluminum Service Secondary Non-Ferrous Metals	Particulate	6/25/76 NOV
Kentucky Whiteburg	Green & Webb Lumber Co. Sawmill	Particulate	6/25/76 NOV

STATE/CITY 1	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Kentucky Hawesville	Wescor Corp. Paperboard Mill	Particulates	6/25/76 NOV
Kentucky Ownesboro	Medley Distilling Co. Distilled Liquor	Particulates	6/25/76 NOV
Kentucky Frankfort	Double Spring Co. Distillery	Particulates	6/25/76 NOV
Kentucky Eddyville	Kentucky State Penitentiary Correctional Institution	Particulate	NOV 6/25/76
Kentucky Owensboro	Murphy Miller Inc. Wood Office Furniture	Particulate	NOV 6/25/76
Kentucky Saylersville	Ivyton Coal Co., Inc. Coal Mine	Particulate	NOV 6/25/76
Kentucky Frankfort	Kentucky State University College	Particulate	NOV 6/25/76
Kentucky Murray	Murray State University College	Particulate	NOV 6/25/76
Kentucky Elkhorn City	Potter Mining Co. Coal Mine	Particulate	NOV 6/25/76
Kentucky Hazard	River Processing Co., Inc. Coal Mine	Particulate	NOV 6/25/76
Kentucky Pike County	Unit Coal Co. #1 Coal Mine	Particulate	NOV 6/25/76
Kentucky Florence	Arrow-Hart Inc., Electric Switchgear Equipment Mfg.	Particulate	NOV 6/25/76
Kentucky Bardstown	Willett Distilling Co. Distilled Liquor	Particulate	NOV 6/25/76
Kentucky Liggett	Golden Glow Coals, Inc. Coal Mine	Particulate	NOV 6/25/76
Kentucky Hancock Co.	Big Rivers Elec Corp. Coleman Facilty	SO2	NOV 8/25/76
Kentucky Webster Co.	Big Rivers Elec Corp. Reid, Unit I	SO2	NOV 8/25/76
Kentucky Webster Co.	Big Rivers Elec Corp. Henderson Units I&II	SO2	NOV 8/25/76

STATE/CITY 1	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Kentucky Berea	Berea College	PT	NOV 9/27/76
Kentucky Perry Co.	Jerry Lynn Coal Co.	PT	NOV 9/27/76
Kentucky Calvert City	GAF Corp.	PT	NOV 9/27/76
Kentucky Ashland	Mansbach Metal Co., Inc.	PT	NOV 9/27/76
Kentucky Florence	Lingo Mfg. Co.	HC	NOV 9/27/76
Kentucky Rockfield	Tri County Paving Co.	PT	NOV 9/27/76
Kentucky Hazard	Lee Mike Coal	PT	NOV 9/27/76
Kentucky Williamsburg	Savoy Coals	PT	NOV 9/27/76
Kentucky Richmond	Eastern Kentucky Univ.	PT	NOV 9/27/76
Kentucky Hawesville	National Southaire Alum.	PT	NOV 9/27/76
Louisiana Tallulah	Chicago Mill and Lumber Co. (wood waste boiler)	Particulates	NOV 2/12/76
Louisiana Zachary	Georgia Pacific Simmesport Chip Mill	Open burning	NOV 8/20/76
Louisiana Amite	Dibert, Bancroft and Ross (electric arc furnaces)	Particulates	§113 Consent issued 1/22/76
Louisiana Sterlington	IMC Chemical Group, Inc., (formerly Commercial Solvents Corp.), Pace Lake Plant (4 nitric acid plt)	Nitrogen Oxides	§113 Consent issued 8/12/76
Louisiana Sterlington	IMC Chemical Group, Inc., (formerly Commerical Solvents Corp.) Dixie Chemical Plant (2 nitric acid plants)	Nitrogen Oxides	§113 consent issued 2/2/76

STATE/CITY	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Louisiana Baton Rouge	Stauffer Chemical (sulfuric acid plant)	Sulfur Oxides	§113 consent issued 3/30/76
Louisiana West Monroe	Olinkraft, Inc. (pulp and paper mill)	Particulates and smoke	§113 consent issued 3/30/76
Louisiana Holden	U.S. Plywood Div. of Champion International (conical wood waste burner)	Smoke	§113 consent issued 8/21/76
Louisiana Joyce	Crown Zellerback Corp. (2 wood waste boilers)	Particulates	§113 consent issued 6/16/76
Louisiana Hodge	Continental Can Co. Smelt dissolver and combination boiler	PM	NOV 8/2/76
Maine Old Town	Penobscot/Power Boiler	Particulate/Mass Emissions	NOV 3/9/76
Maine Westbrook	Blue Rock Industries/ Asphalt Batching Plant	Particulate/Mass Emissions	Amendment to Consent Order 1/13/76
Maine Portland	Portland Franklin Stove Foundry/Grey iron cupola	Particulate/Mass Emissions	Order 4/20/76
Maine Bangor	Bangor Dump	TSP	NOV 8/19/76
Maine Brunswick	City of Brunswick Solid Waste Disposal site	TSP	NOV 8/27/76
Maine Woodland	Georgia Pacific Kraft Recovery Boilers	TSP	NOV 8/19/76
Maine Kittery	Kittery Dump	TSP	NOV 8/19/76
Maine Lewiston	Lewiston Dump	TSP	NOV 8/19/76
Maine Old Town	Old Town Dump	TSP	NOV 8/19/76
Maine Winslow	Scott Paper Bark Burner or Wood Burning Boiler	TSP	NOV 8/27/76

STATE/CITY[1]	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Maryland Baltimore	J.J. Lacey Foundry Iron Cupola	Particulate	Abatement Order 6/4/76
Maryland Aquasco	PEPCO - Chalk Point Boilers	Particulate	Abatement Order 1/12/76
Maryland Cumberland	Kelly-Springfield	Particulates/Boilers	NOV 9/16/76
Maryland Baltimore	Flynn & Emrich	Particulates/Grey Iron Cupola	Order 9/9/76
Massachusetts Fitchber	Fitchberg Foundry/cupola furnace	Particulate/Mass Emissions	NOV 1/29/76
Massachusetts West Sprinfgield	Lincoln Pulp & Paper Co. Lime Kiln	Particulate/Mass Emissions	Order 3/3/76
Massachusetts Worchester	Wyman-Gordon Company/ Boilers	Particulate/VE	NOV 4/16/76
Massachusetts Holyoke	City of Holyoke/ Municipal incinerator	Particulate/Mass Emissions	Order 1/26/76
Massachusetts Boston	Gulf Oil	HC	Order 1/29/76
Massachusetts Plymouth	Plymouth Rubber	Particulates	Order 2/10/76
Massachusetts Boston	Brolen Service Center	Vapor Recovery	Order 5/17/76 NOV 5/12/76
Massachusetts Boston	Coney's ARCO Station	Vapor Recovery	Order 5/17/76 NOV 5/12/76
Massachusetts Boston	Massachusetts DPW	Vapro Recovery	Order 6/14/76 NOV 4/28/76
Massachusetts Boston	Hatoff	Vapor Recovery	Order 6/14/76 NOV 6/14/76
Massachusetts Boston	MDC	Vapor Recovery	Order 6/15/76 NOV 6/15/76
Massachusetts Boston	Rose's Oil Service	Vapor Recovery	Order 6/25/76 NOV 6/25/76
Massachusetts Braintree	Braintree Incinerator	Particulates	Order 3/31/76 NOV 3/31/76

STATE/CITY	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Massachusetts Shrewsbury	Henley Lundgren	Particulates	NOV 1/27/76
Massachusetts Boston	MBTA	Particulates	NOV 5/12/76
Massachusetts	Malden Mills	Particulates	NOV 10/1/75
Massachusetts Cambridge	Andrew Jr. Rosetti	Vapor Recovery HC	NOV 8/10/76 Order 8/10/76
Massachusetts Boston	Boston Ed/New Boston	VE	NOV 7/26/76
Massachusetts Boston	Boston Ed/Mystic	VE	NOV 7/26/76
Massachusetts Westboro	New England Power Company Salem Harbor	VE	NOV 7/28/76
Massachusetts Ashland	Burke's ESSO Service	Vapor Recovery HC	NOV 7/25/76 Order 7/25/76
Massachusetts Boston	Mass. Dept. of Public Works	HC Vapor Recovery	Order 7/28/76
Minnesota Renville	Southern Minnesota Beet Cooperative	NSPS	Consent Order 6/4/76
Minnesota Minneapolis	ADM, Nokomis Mill	TSP	NOV 4/16/76
Minnesota Stillwater	Stillwater State Prison	TSP	NOV 6/11/76
Minnesota Minneapolis	University of Minnesota	TSP	NOV 6/25/76
Minnesota Duluth	University of Minnesota	TSP	NOV 6/25/76
Minnesota Sleepy Eye	Sleepy Eye Public Utilities	TSP	NOV 6/29/76
Minnesota Minneapolis	ADM, Milling	TSP	Order 6/25/76

STATE/CITY 1	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Minnesota Minneapolis	Univ. of Minn. (Minn. Campus) boilers	PT	NOV 7/1/76
Minnesota St. Paul	North Star Steel meltshop roof monitor	PT	NOV 8/26/76
Mississippi Ridgeland	Cooke Construction Co. Asphalt Plant	Particulate V/E	6/8/76 Admin. Order
Mississippi Beaumont	Delta Pine Plywood Plywood Mfg.	Particulate	NOV 5/4/76
Mississippi Hazelhurst	Copial County Mfg. Co. Woodworking	Particulate	NOV 5/4/76
Mississippi Jackson	Harpter Foundry and Machine Co. Foundry	Particulate	NOV 5/4/76
Mississippi Meridian	J.R. Savage and Co. Woodworking	Particulate	NOV 5/4/76
Mississippi Waynesboro	Day Co. Inc., Woodworking	Particulate	NOV 5/4/76
Mississippi Meridian	Soule Steam Fee, Inc. Foundry	Particulate	NOV 5/4/76
Mississippi Indianola	East Sunflower County Gin Co. Inc. Cotton Gin	Particulate	NOV 5/4/76
Mississippi West Point	Phillips Contracting Co., Inc. Asphalt Plant	Particulate	NOV 5/4/76
Mississippi Mattson	Flowers Gin Co. Cotton Gin	Particulate	NOV 5/4/76
Mississippi Grenada	Memphis Hardwood Flooring Wood Working	Particulate	NOV 5/4/76
Mississippi Waynesboro	Scotch Plywood Co. (Plywood & Wood Prod)	VE	NOV 9/1/76
Mississippi Taylorsville	Georgia Pacific (particleboard)	PT	NOV 9/24/76
Mississippi Gloster	Georgia Pacific (wood products)	PT	NOV 9/24/76
Mississippi Royster	Royster Co. (Fertinere)	PT	NOV 8/16/76

STATE/CITY 1	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Mississippi Greenwood	Greenwood Utilities Henderson Generating Station (Electric Generating)	PT/VE	NOV 8/16/76
Mississippi Greenwood	Greenwood Utilities Wright Generating Station (Electric Generation)	PT	NOV 8/16/76
Mississippi Flowood	Mississippi Steel (Secondard Steel - 3 EAF's)	PT	NOV 8/16/76
Mississippi Ethel	Attara Lunder (Sawmill)	VE	NOV 8/16/76
Mississippi Walnut Grove	W.C. Croft Lunder (Sawmill)	VE	NOV 8/16/76
Mississippi Olive Branch	Continental Foundry (Gray Iron Foundry)	PT/VE	NOV 9/1/76
Mississippi Picayune	Wood Treating Inc. (Sawmill & Treating Operation)	VE	NOV 9/1/76
Mississippi Picayune	General Box Division (Wood Products)	VE	NOV 9/1/76
Mississippi Grenada	Hawkins Lunder (Sawmill)	VE	NOV 9/1/76
Missouri Kansas City	Kansas City Power & Light Hawthorne Station (units 3,4,5)	TSP	113 Order issued 3/3/76
Missouri New Madrid	Noranda Aluminum Inc.	TSP	NOV 4/6/76
Missouri Kansas City	Fry Roofing (asphalt roofing process)	VE	113 Order issued 3/9/76
Missouri St. Louis	Young Sales Corp.	VE	113 Order issued 3/11/76
Missouri St. Louis	Missouri Portland Cement	VE	7/14/76 amend order issued
Missouri North Kansas City	Fry Roofing Co.	VE	9/14/76 order issued

STATE/CITY	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Montana Laurel	Farmers Union Central Exchange, Inc. -Oil refinery (Fluid Catalytic Cracking System)	TSP, SO2	NOV 5/21/76 NOV withdraw 1/23/76 -(the 2nd NOV superseded first)
Montana Laurel	Farmers Union Central Exchange, Inc. -oil refinery -boiler #3 -crude oil heater -platformer charge heater	TSP	NOV 1/23/76
Montana Silverbow	Sauffer Chemical Division -nodulizing kiln -furnace #1	TSP	NOV 1/23/76
Montana Billings	Montana Power Co. -furnace & boiler system	TSP	NOV 1/23/76
Montana Butte	Anaconda	(Failure to respond to §114 request)	Order 5/7/7
Montana Helena	U.S. Air Force pathological incinerator	TSP	Consent "Declaratio 3/11/76
Nebraska Columbus	Nebraska Public Power District Sheldon Generating Station Unit #1	TSP	113 Order issued 5/6/76
Nebraska Omaha	Quaker Oats Co. Omaha Chemical Plt boiler	TSP/VE	8/11/76 order issued
Nebraska Bellevue	Nebraska Public Power Dist. Kramer Gen. Sta.	SO2	9/29/76 second amend to order issued
Nevada Sparks	Sierra Pacific Power Co./ Tracy Power Station	Sulfur Content in fuel standard	NOV 3/16/76
Nevada Yerington	Sierra Pacific Power Co./ Fort Churchill Power Sta.	Sulfur Content in fuel standard	NOV 3/16/76
Nevada Fernley	Cyprus Mines Corp./ United Sierra Div.	Violation of VE and fugitive dust Std	NOV 3/31/76
Nevada Empire	United States Gypsum/ Gypsum Kettle	VE, Particulate Matter, and fugitive dust Std	Consent Order 3/25/76

STATE/CITY[1]	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Nevada Fernley	Nevada Cement Co.	VE Std	NOV 4/20/76
Nevada Fernley	Cyprus Mines Corp./ United Sierra Div./ mining operation	VE, fugitive dust Std.	Administrative Order 6/21/76
Nevada Las Vegas	Nevada Power Co. Reid Gardner Unit #3	NSPS violation	8/31/76 order issued to conduct performance tests & eval.
New Hampshire Berlin	Brown Company/ Recovery Boilers	Particulate/Mass Emissions	NOV 1/21/76 §114 Letter 6/8/76
New Jersey Jersey City	Woodward Metal Processing Corporation	Particulate	Consent Order 3/5/76
New Jersey Newark	Flockhart Foundry Company	Particulate/opacity	Consent Order 3/5/76
New Jersey Bogota	Winston Mills	Particulate/opacity	NOV 3/11/76
New Jersey Salem	Mannington Mills Vinyl Coating	Particulate/opacity	NOV 6/18/76
New Jersey Bridgton	Bridgeton Dyeing & Finishing Corporation	Particulate/opacity	NOV 6/18/76
New Jersey Florence	Griffin Pipes Products Co.	TSP	NOV 7/16/76
New Jersey Barrington	Owens Corning Fiberglass Corp.	Opacity	NOV 8/20/76
New Jersey Salem	Star City Glass (Tank Stack)	Opacity	NOV 8/20/76
New Jersey Millville	Wheaton Glass Co. (Tank Stacks)	Opacity	NOV 8/20/76

STATE/CITY[1]	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
New Jersey Newark	American Smelting & Refining Co.	part. matter/ opacity	NOV 8/25/76
New Jersey Salem	Anchor Hocking Corp.	opacity	NOV 7/9/76
New Jersey Berlin	Certain Teed	opacity	NOV 7/9/76
New Jersey Millville	Kerr Glass Mfg., Inc.	opacity	NOV 7/9/76
New Jersey Bridgeton	Owens-Illinois, Inc.	opacity	NOV 7/9/76
New Jersey Vineland	Owens-Illinois, Inc.	opacity	NOV 7/9/76
New Jersey Bridgetown	The Joseph Toye Co.	part. matter	NOV 8/25/76
New York Utica	Dunlop Tire & Rubber Corporation	Particulate/opacity Mass standards	Consent Order 02/8/76
New York Lawrence	City of Lawrence Municipal Incinerator	Particulate	Amended Order 04/8/76
New York Fulton	Armstrong Cork Company	§114 denial of access to plant property	Order 4/19/76; proceedings term. compliance
New York Brooklyn	American Can Company		CLOSED FACILITY
New York Northport	Long Island Lighting Company Power Plant	Sulfur in Fuel	NOV 4/10/76 Order 5/18/76 Amended 8/5/76 to reflect revision
New York Port Jeffers	Long Island Lighting Company Power Plant	Sulfur in Fuel	NOV 4/10/76 Order 5/18/76 amended 8/5/76 to reflect revisions
New York Albany	Niagara Mohawk Power Company Power Plant	Particulate Sulfur in Fuel	Order issue 4/29/76 amended to include continous opacity monitoring 6/10/76

STATE/CITY 1	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
New York Oswego	Niagara Mohawk Power Company Power Plant	Sulfur in Fuel	NOV 4/10/76 Order 6/15/76 amended 8/5/76 reflect SIP revisions
New York New York	City of New York (South Shore, Hamilton Avenue, Betts Avenue, and Gansevoort facilities) municipal incinerators	Particulate VE	NOV 5/14/76
New York New York	New England Petroleum Corp. fuel supplier	Sulfur in Fuel	NOV 4/5/76 Order 6/15/76 8/5/76 amend.
New York Buffalo	Buffalo Municipal Incinerator	Particulate VE	6/18/76 request to Attorney to initiate civil action against city
New York Buffalo	Bethlehem Steel Corp. coke ovens	Particulate VE	NOV 4/5/76 7/20/76
New York Tonawanda	Niagara Mohawk Power Co. (Huntly Station) power plant	Sulfur in Fuel	NOV 4/9/76
New York Oswego	Niagara Mohawk Power Corp. (boilers)	SO2	§113 amended order 8/5/76
New York New York	New England Petroleum Corp. (fuel supplier)	SO2	§113 amended order 8/5/76
New York Beacon	Beacon Municipal Incinerator (Municipal Incinerator)	Failure to submit §114 information; VE	§113 order 8/19/76 NOV 9/23/76
New York Buffalo	Bethlehem Steel Corp.	smoke emissions	NOV 7/20/76
New York Yonkers	Yonkers Municipal Incinerator	TSP/VE	NOV 9/29/76
New York Scarsdale	Scarsdale Municipal Incinerator	TSP/VE	NOV 9/26/76
New York White Plains	White Plains Municipal Incinerator	VE	NOV 9/29/76

STATE/CITY 1	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
New York Eastchester	Eastchester Municipal Incinerator	VE	NOV 9/29/76
New York Rye	Rye Municipal Incinerator	VE	NOV 9/29/76
New York New Rochelle	New Rochelle Municipal Incinerator	VE	NOV 9/29/76
New York Rome	Griffiss Air Force Base	part. matter	consent agreement 8/19/76
New York Northport Port Jefferson	Long Island Lighting Co. generating facilities	SO2	amend order 8/5/76
North Carolina Biltmore	Sayles Biltmore Bleacheries Textile Plant	Particulate	6/4/76 Admin. Order
North Carolina Goldhill	Carolina Perlite Co. Lt. Wt. Aggregate	Particulate	NOV 2/17/76
North Carolina Morganton	Morganton Dyeing & Finish Textile Plant	VE	NOV 2/17/76
North Carolina High Point	High Point Wood Working Dimensions Plant	Particulate	NOV 2/17/76
North Carolina Salisbury	N.C. Finishing Co. Textile Plant	Particulate	NOV 2/17/76
North Carolina Plymouth	Weyerhaeuser Co. Pulp & Paper Ind.	Particulate	NOV 2/17/76
North Carolina Lagrange	Hardy-Newson Gray Iron Foundry	Particulate	NOV 2/17/76
North Carolina Roanoke Rapids	Hoerner Waldorf Co. Pulp & Paper Inc.	Particulate	NOV 2/17/76
North Carolina Wallace	J.P. Stevens Textile Plant	VE	NOV 2/17/76
North Carolina Walnut Cove	Duke Power Co. Untility (Power Co.)	Particulate	NOV 2/17/76
North Carolina Goldsboro	Dewey Brothers Gray Iron Foundry	Particulate	NOV 2/17/76

STATE/CITY 1	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
North Carolina New Bern	Weyerhaeuser Co.	part. matter	NOV 7/23/76
North Carolina Butner	Lee Dying Co.	VE	NOV 7/23/76
North Carolina Turrell	Duke Power Co.	Part. matter	NOV 7/23/76
North Carolina Walnut Cove	Duke Power Co.	Part. matter/VE	NOV 7/23/76
Ohio Painsville	Municipal Power Plant	NSPS	referred on (Civil Acti
Ohio New Boston	Empire - Detroit Steel coke	TSP	NOV 5/21/76
Ohio Cleveland	Republic Steel coke battery #1	NSR	NOV 4/27/76
Ohio Sidney	Wagner Mfg. Co. gray iron cupolas	TSP	NOV 3/24/76
Ohio Ashtabuta Eastlake Avon Lake Lake Shore	Cleveland Electric Illuminating Co. -boilers	TSP	NOV 2/24/76
Ohio Cleveland	City of Cleveland Division of Light & Power - boiler #4	TSP	NOV 6/10/76
Ohio	Montgomery County Sanitation Dept.	TSP	NOV 6/9/76
Ohio	Hamilton County	TCP(CO)	NOV 3/15/76
Ohio	Ohio Dept Hwy Safety	TCP(CO)	NOV 3/15/76
Ohio Cincinnati	Sheriff-Hamilton County	TCP(CO)	NOV 6/22/76
Ohio Howland Township Warren Township Youngstown	Republic Steel	TSP	NOV 6/10/76

STATE/CITY 1	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
North Carolina Black Mountain	Drexel Heritage Furnishings Black Mt. Plt #10-Dimension Plt.	Particulate	NOV 4/8/76
North Carolina Lexington	Link-Taylor Furniture Manuf.	Particulate	NOV 4/8/76
North Carolina Rocky Mount	Burlington Ind. Rocky Mt Plt Textile Plant	VE	NOV 4/8/76
North Carolina Burlington	Burlington Ind. Mayfair Plt Textile Plant	VE	NOV 4/8/76
North Carolina Forest City	Burlington Ind. J.C. Cowan Plt. Textile Plant	VE	NOV 4/8/76
North Carolina N. Wilkesboro	Lineberry Foundry & Machine Co. Gray Iron Foundry	Particulate	NOV 4/8/76
North Carolina New Bern	Weyerhaeuser Co. Pulp & Paper Plt.	Particulate	NOV 4/8/76
North Carolina Chapel Hill	Univ. of N. Carolina University Inst.	Particulate	NOV 4/8/76
North Carolina Scotland Neck	Beasley Lumber Product Lumber Co. (Sawmill)	Particulate	NOV 4/8/76
North Carolina Durham	Duke Univ. University Insit.	Particulate	NOV 4/9/76
North Carolina Concord	Kerr Industries Textile Plant	Particulate	NOV 4/9/76
North Carolina Greensboro	Industrial Foundry Gray Iron Foundry	Particulate	NOV 4/9/76
North Carolina Rutherfordton	Reeves Brothers, Inc.	Hydrocarbons	NOV 7/23/76
North Carolina Salisbury	Carolina Stalite Co.	part. matter	NOV 7/23/76
North Carolina Wake Forest	Burlington Industries, Inc.	VE	NOV 7/23/76

STATE/CITY 1	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
North Carolina	E.I. Dupont De Nemour Synthetic Fibers	Particulate	NOV 2/17/76
North Carolina Roxboro	Crown Aluminum Ind. Aluminum Manufacture	Particulate	NOV 2/17/76
North Carolina Pisanh Forest	Olin Corporation Pulp & Paper Ind.	Particulate	NOV 2/17/76
North Carolina Oxford	General Processors Tobacco Stemmery	Particulate	NOV 2/17/76
North Carolina Butner	Mt. Hope Finishing Textile Plant	VE	NOV 2/17/76
North Carolina Durham	Liagett & Myers Tobacco Manufacture	Particulate	NOV 2/17/76
North Carolina Biltmore	Sayles Biltmore Bleach Textile Plant.	Particulate	NOV 2/17/76
North Carolina Liberty	Liberty Furniture Co. Furniture Manuf.	Particulate	NOV 2/17/76
North Carolina Monroe	Spring Mills, Inc. Textile Plant	VE	NOV 2/17/76
North Carolina Wilmington	Corbett Lumber Co. Lumber Co. (Sawmill)	Particulate	NOV 2/17/76
North Carolina Lincolnton	Mohican Mills Textile Plant	VE	NOV 2/17/76
North Carolina Greensboro	Guilford Foundry Gray Iron Foundry	Particulate	NOV 2/17/76
North Carolina Wilmington	Carolina Power & Light Sutton Plt - Electric	Particulate	NOV 2/17/76
North Carolina Riegelwood	Federal Paper Board, Inc. Pulp & Paper Ind.	Particulate	NOV 2/17/76
North Carolina Morganton	Great Lakes Carbon Carbon & Graphite Products	VE	NOV 4/8/76
North Carolina Henderson	Burkhart/Randall Jute Manuf.	Particulate	NOV 4/8/76

STATE/CITY 1	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Ohio Martins Ferry Steubenville South Steubenville North Yorkville	Wheeling-Pittsburgh	TSP	NOV 6/11/76
Ohio	Ohio Dept. Hwy Safety	TCP(CO)	Order 6/22/76
Ohio	Hamilton County	TCP(CO)	Order 6/22/76
Ohio Cleveland	City of Cleveland Lake Rd Gen. Station	TSP	Order 6/22/76
Ohio Youngstown	U.S. Steel Boilerhouse Sintering Plant Open Hearth Shop	PT	NOV 7/30/76
Ohio Orient	Orient State Institute boiler	PT	NOV 8/2/76
Ohio Dayton	Dayton Mental Health Center 3 boilers	PT	NOV 8/3/76
Ohio Apple Creek	Apple Creek State Inst. boilers	PT	NOV 8/3/76
Ohio London	London Correctional Inst. boilers	PT	NOV 8/3/76
Ohio Fairfield	Fairfield School for Boys boilers	PT	NOV 8/9/76
Ohio Marion	Marion Correctional Inst. boilers	PT	NOV 8/10/76
Ohio Sturthers	Younstown Sheet & Tube Co. Integ. Steel Facility	PT	NOV 7/15/76
Ohio North Bend	Cin. Gas & Elec. Co. boiler	PT	NOV 8/10/76
Ohio New Richmond	Cin. Gas & Elec. Co. boiler	PT	NOV 8/10/76

STATE/CITY[1]	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Ohio Athens	Ohio University boilers	PT	NOV 9/2/76
Ohio Brilliant	Ohio Power Co. Brilliant Gen. Sta. boilers	PT	NOV 9/2/76
Ohio Mt. Vernon	Mt. Vernon State Inst. boilers	PT	NOV 9/2/76
Ohio McDonald	U.S. Steel Corp. McDonald Works	PT	NOV 7/30/76
Ohio Columbus	Correctional Medical Center boilers	PT	NOV 9/2/76
Ohio Tiffin	Riffin Mental Health & Retardation Center	PT	NOV 9/8/76
Ohio Stratton	Ohio Edison Stratton Power Plant boilers	PT	NOV 9/22/76
Ohio Youngstown	Youngstown Sheet & Tube Coke Batteries	PT	NOV 9/23/76
Ohio Lima	Lima State Hospital boilers	PT	NOV 9/30/76
Ohio Bowling Green	Bowling Green St. Univ. boilers	PT	NOV 9/27/76
Ohio Cambridge	Cambridge Mental Health & Retardation Center boilers	PT	NOV 9/28/76
Ohio Powell	Scioto Village boilers	PT	NOV 9/10/76
Ohio Athens	Athens Mental Health & Mental Rehabilitation Center boilers	PT	NOV 9/13/76
Ohio Hamilton	Armco Steel Corp. coke ovens	PM	Consent order 7/12/76

STATE/CITY 1	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Ohio Lancaster	Anchor Hocking boroslicate blast furnace	VE/PM	amended order 8/16/76
Ohio Jefferson Co.	Satralloy, Inc.	part. matter	amended order 9/28/76
Oklahoma Broken Bow	Weyerhaeuser	Open burning	NOV 3/24/76.
Oklahoma Nowata	Leco Materials, Inc. (rock crushing)	Particulates	NOV 3/30/76
Oregon Toledo	Georgia Pacific Co. Hog fuel boilers	Particulate/VE	compliance Order enter into 2/18/76
Oregon Medford	Basic Cascade Corp. hog fuel boiler	particulte Matter SIP violation	NOV 6/10/76
Oregon Valsetz	Boisie Cascade Corp.		Amendment to Consent Ord 6/24/76
Oregon Tillamook	Publishers Paper Co. hog fuel boiler	Particulate Matter SIP violation	NOV 6/25/76
Oregon Glide	Little River Box Co. hog fule boiler	Particulate Matter SIP violation	NOV 6/29/76
Oregon Nyssa	The Amalgamated Sugar Co. B&W boilers;pulp dryers	Particulate Matter SIP violation	NOV 6/29/76
Oregon Pendleton	Harris Pine Mills hog fuel bliler	Particulate Matter SIP violation	NOV 6/29/76
Oregon Dilland	Permaneer Corp. laminating plant sander;silo unloading;dryer	Particulate Matter SIP violation	NOV 6/29/76
Oregon Priest River	Louisiana Pacific Corp. Wigwam burner	opacity SIP violation	Consent Ord 1/22/76
Oregon Troutdale	Reynolds Metals Co. Primary Aluminum Plant	VE/SIP violation	Compliance Order 6/25/76

STATE/CITY	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Oregon North Bend	Menasha Corporation Hog Fuel boilers	Particulate Matter SIP violation	NOV 6/29/76
Oregon Elgin	Boise Cascade Corporation Hog Fuel boiler	Particulate Matter	NOV 6/29/76
Oregon Hines	Edward Hines Lumber Co. Stack Boiler	VE, Particulate Matter SIP violation	Compliance Order 5/19/76
Oregon Heppner	Kinzua Corp. fuel burning equip.	PM	NOV 8/16/76
Oregon North Bend	Weyerhaeuser boiler	PM	NOV 9/2/76
Oregon Lebanon	U.S. Plywood driers	VE	NOV 9/2/76
Oregon Coos Bay	Georgia Pacific Corp. boiler	PM/VE	§113 Consent order issued 9/2/76
Oregon Banks	Lite Rock Co. shale expansion kiln	VE	NOV 9/20/76
Oregon Tillamook	Publishers Paper Co boiler	PM	§113 compliance order issued 9/16/76
Oregon Glide	Little River Box Co. boiler	PM	§113 compliance order issued 9/15/76
Pennsylvania Johnstown	Bethlehem Steel Corp.	SO2-COG	Abatement Order
Pennsylvania Bethlehem	Bethlehem Steel Corp. Steel Mill	Particulate & SO2	NOV 1/27/76
Pennsylvania Philadelphia	East Pa. Psychiatric Institute Boiler	Particulate	Abatement Order
Pennsylvania Palmertown	New Jersey Zinc Co. Zinc Processes	Particulate	Abatement Order 5/10/76
Pennsylvania Erie	Penelec - Front Street Boiler	Particulate & SO2	Abatement Order 1/12/76
Pennsylvania Philadelphia	Phila State Hospital Boiler	Particulate	Abatement Order 2/1/76

STATE/CITY 1	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Pennsylvania Philipsburg	Philipsburg Hospital (State) Boiler	Particulate	NOV 2/11/76
Pennsylvania Bellefonte	State Correctional Institute Boiler	Particulate	NOV 2/11/76
Pennsylvania Morgantown	Bethlehem Mines Corp. Pellet plant	SO2, Part. matter	NOV 9/30/76
Pennsylvania New Castle	Penn Power - New Castle	Particulates/Boilers	NOV 7/13/76
Pennsylvania Saxonburg	USS-Saxonburg	Particulates/Sintering Plt.	NOV 7/16/76
Pennsylvania Midland	Crucible, Inc.	Particulate, SO2, and VE/Integrated Steel pt.	NOV 7/22/76
		Particulate/TOC Shop	NOV 9/10/76
Pennsylvania Penn Valley	Lower Merion Incinerator	Particulate/VE/Incinerator	NOV 9/30/76
Pennsylvania Bethlehem	N.L. Morell wool cupola	Particulate/Mineral	order 8/17/76
Pennsylvania Mitchell	West Penn Power-Mitchell	SO2/Boilers	order 8/30/76
Puerto Rico Buenavista	Municipality of Carolina open burning dump	Particulate/opacity open burning	NOV 1/29/76
Puerto Rico Ponce	Puerto Rico Cement	Particulate	Amended consent Order 7/26/
Puerto Rico Dorado	San Juan Cement Co., Inc.	NSPS	amended order 7/28/76
Rhode Island Providence	City of Providence/ Sewage Sludge Incinerator	Particulate/Mass Emissions	Amendment to Order 3/23/76
Rhode Island Ashton	Owens-Corning Fiberglass/ Marble Melting Furnace	Particulate/Mass Emissions	Amendment to Order 4/22/76

STATE/CITY 1	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Rhode Island Cranston	Gammino Construction Co./ Asphalt Batching-Rotary Dryer	TSP	Order 9/8/76
South Dakota Custer	O'Conner Lumber Co. woodwaste burner	TSP	8/23/76 order
South Dakota Pringle	Evans Post & Pole woodwaste burner	TSP	8/23/76 order
Tennessee Memphis	Memphis Municipal Aspahlt Asphalt Plant	Particulate	NOV 1/12/76
Tennessee Memphis	W.R. Grace urea prill	Particulate	NOV 1/12/76
Tennessee Memphis	Desoto Hardwood Wood Working	Particulate	NOV 1/12/76
Tennessee Memphis	M.B. Parker Gray Iron Foundry	Particulate	NOV 1/12/76
Tennessee Memphis	Chromasco ferroalloys	Particulate	NOV 1/12/76
Tennessee Memphis	Fiber Fine Mineral fiber Insulation	Particulate	NOV 5/12/76
Tennesseee Memphis	Tennesseee Fabricating Gray Iron, Secondary Aluminum	Particulate	NOV 5/12/76
Tennesseee Memphis	W.C. Ellis & Sons Gray Iron Foundry	Particulate	NOV 5/12/76
Tennesseee Memphis	Cargill Grain Elevator	Particulate	NOV 5/12/76
Tennesseee Memphis	Memphis Machines Works Gray Iron Foundry	Particulate	NOV 5/12/76
Tennesseee Nashville	Clover Bottom Hospital	Particulate	NOV 2/20/76
Tennesseee Nashville	Central State Psychiatric Hospital	Particulate	NOV 2/20/76
Tennesseee Nashville	Tennesseee State University	Particulate	NOV 2/20/76

STATE/CITY	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Tennessee Crockett Mills	Slayton Gin Co. Cotton gin	part. matter	order 7/23/76
Tennessee Covington	Gift Gin Co. cotton gin	part. matter	NOV 7/23/76
Tennessee Gates	Future Farmer's Gin Co. cotton gin	part. matter	NOV 7/23/76
Tennessee Gadaden	Gadaden Gin Co cotton gin	part. matter	NOV 7/23/76
Tennessee Dyer	Dyer Gin Co. cotton gin	part. matter	NOV 7/23/76
Tennessee Toone	Cloverport Gin Co. cotton gin	part. matter	NOV 7/23/76
Tennessee Henning	Gus Hargett and Sons, Inc. Wigwam burner	part. matter/VE	NOV 7/29/76
Tennessee Greenfield	K.T. & L. Timber Co. Wigwam burner	part. matter/VE	NOV 7/29/76
Tennessee Middleton	Cornelias Lumber Co., Inc. Wigwam burner	part. matter/VE	NOV 7/29/76
Tennessee Oneida	Hartco Flouring Co. Wigwam burner	part. matter/VE	NOV 7/29/76
Tennessee Livingston	Simcox & Copeland Lumber Co. Wigwam burner	part. matter/VE	NOV 7/29/76
Tennessee Henning	Reelfoot Lumber Co. Wigwam burner	VE/part matter	NOV 7/29/76
Tennessee Jackson	Joseph E. Seagram & Sons, Inc. Wigwam burner	part. matter/VE	NOV 7/29/76
Tennessee Halls	Huey Bros. Lumber Co., Inc. Wigwam burner	part. matter/VE	NOV 7/29/76
Tennessee Crump	River Heights Lumber Co., Inc. Wigwam burner	part. matter/VE	NOV 7/29/76

STATE/CITY 1	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Tennessee Sweetwater	Tellico Lumber Co., Inc. Wigwam burner	part. matter/VE	NOV 7/29/76
Tennessee Troy	Hanafee Brothers Sawmill Co., Inc. Wigwam burner	part. matter/VE	NOV 7/29/76
Tennessee Troy	Storey Sawmill & Lumber Co., Inc. Wigwam burner	part. matter/VE	NOV 7/29/76
Tennessee Sparta	Volunteer Specialty Co., Inc. Wigwam burner	part. matter/VE	NOV 7/29/76
Tennessee Lexington	Bailey's Sawmill, Inc. Wigwam burner	part. matter/VE	NOV 7/29/76
Tennessee Lafayette	Lafayette Manufacturing Co. Wigwam burner	part. matter/VE	NOV 7/29/76
Tennessee Newport	Rhyne Lumber Co. boiler	VE	NOV 7/29/76
Tennessee McMinnville	Burroughs-Ross-Colville Co. wood waste boiler	part. matter/VE	NOV 7/29/76
Tennessee Milan	Milan Box Corporation Wood waste boiler	part. matter/VE	NOV 7/29/76
Tennessee Johnson City	Gordon's Inc. boiler	part. matter/VE	NOV 7/29/76
Tennessee Ridgely	Ridgely Sawmill Co. wood waste burner	part. matter/VE	NOV 7/29/76
Tennessee Tullohoma	Campbell and Darn Mfg. Co. wood waste boiler	part. matter/VE	NOV 7/29/76
Tennessee Sparta	Cumberland Mfg. Co. wood waste boiler	part. matter/VE	NOV 7/29/76
Tennessee Tullohoma	Worth Bat Co. wood waste boiler	part. matter/VE	NOV 7/29/76
Tennessee Lewisburg	Faben - Castell Corp. wood & Cool fired boiler	part. matter/VE	NOV 7/29/76

STATE/CITY	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Tennessee Johnson City	Maganvox Co. of Tenn. boiler	part. matter/VE	NOV 7/29/76
Tennessee Dyer	Dyer Fruit Box mfg. Co. wood waste boiler	part. matter/VE	NOV 7/29/76
Tennessee Pulaski	Fibreboard Corp. boilers	part. matter	NOV 7/29/76
Tennessee Morristown	Lea Industries, Inc. wood waste boiler	VE	NOV 7/29/76
Tennessee Newport	Wood products Co., Inc. Auxiliary boiler	VE	NOV 7/29/76
Tennessee Calhoun	Bowaters Southern Paper Corp. bark boilers	VE	NOV 7/29/76
Tennessee Mt. Pleasant	American Recycle Company rotary furnace	VE/part. matter	NOV 8/31/76
Tennessee Kingsport	Hunt's Gap Sand and Clay Plt. #4; ASG Industries rotary sand dryer	part. matter/VE	NOV 8/31/76
Tennessee Lenoir	Lenoir Car Works electric induction furnace	part. matter/VE	NOV 8/31/76
Tennessee McMinnville	Grundy Limestone Conveyor	VE	NOV 9/24/76
Tennessee Charleston	Caldwell and Caldwell Asphalt Co. Screen & hot elevator	VE	NOV 9/24/76
Tennessee Centerville	Rivers Casting Corp. foundry cupola	part. matter/VE	NOV 9/24/76
Tennessee Crossville	Crossville Limestone, Inc. crushing	part. matter/VE	NOV 9/24/76
Tennessee Celina	Dixie Limestone Co., Inc. crushing	part. matter/VE	NOV 9/24/76
Tennessee Liberty	B&B Stone Co. lime Mfg. operation	part. matter	NOV 9/24/76
Tennessee McMinnville	McMinnville Stone Co. lime mill	part. matter/VE	NOV 9/24/76

STATE/CITY	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Tennessee Jefferson City	Pavco, Inc. Asphalt batch plt.	VE	NOV 9/24/76
Tennessee Maryville	Rockford Rock Products, Inc. crushing	VE	NOV 9/24/76
Tennessee Chattanooga	E.I. du pont Synthetic resins	PT	NOV 9/24/76
Tennessee Knoxville	Eastern State Psychiatric Hospital	PT/VE	NOV 9/24/76
Tennessee Knoxville	Tennessee School for the Deaf	PT/VE	NOV 9/24/76
Texas Port Neches	Jefferson Chemical Co., Inc. (ethylene	Hydrocarbons ethylene	NOV 4/9/76
Texas Houston	Wanda Petroleum Co. (loading facility)	Hydrocarbons	NOV 5/26/76
Utah Grantsville	Marblehead Lime Co. rotary calcin	TSP	Order 7/9/7
Utah Provo	Brigham Young Univ. boilers	TSP	NOV 9/1/76
Vermont Beecher Falls	Ethan Allen/ NO. 240 Power Boiler	TSP	NOV 7/31/76
Virgin Islands St. Croix	Hess Oil Virgin Islands Corp.	Sulfur in Fuel	NOV 3/11/76 action term 08/8/76
Virgin Islands St. Croix	V.I. Water & Power Authority Krause Lagoon Facility power plant	Failure to obtain approval prior to commencement mittal of construction	Amended 5/24/76 to delete sub- of certain toring data
Virgin Islands St. Thomas	V.I. Water & Power Authority St. Thomas Facility power plant	Particulate/opacity	NOV 1/19/76
Virgin Islands, St. Croix	Martin Marietta Alumina, Inc.	opacity	NOV 9/15/76

STATE/CITY 1	COMPANY/TYPE OF SOURCE	POLLUTION PROBLEM	TYPE OF ACTION
Virginia Amherst Co.	Virginia Fibre Corp. Riverville Mill Bark Boiler	VE/Part. matter mass emissions	NOV 9/30/76
Virginia Norfolk	Richard Foundry Foundry Cupola	Part. matter process weight	NOV 7/14/76 order 9/30/76
Virginia Damascus	American Cyanimid Coal boilers	part. matter	NOV 7/14/76 order 9/30/76
Washington Tacoma	United States Gypsum	Particulate Matter Visible SIP	Compliance Order 3/2/76
West Virginia Haywood	Monongahela Power/Harrison	Particulates/Boilers	NOV 7/7/76
West Virginia Follansbee	Wheeling-Pittsburgh	Particulates, SO2/Coke Oven Batteries Boilers Sintering Plant	Referral to Justice 8/23/76
Wisconsin Mosinee	Mosinee Paper Corp. boilers, spent liquor recovery furnaces, smelt disolving tank bark boiler, lime kiln	TSP	Consent Order 3/5/76
Wisconsin Superior	Peavey Company grain elevator	TSP	Consent Order 1/19/76
Wisconsin Kenosha-Lakefront Kenosha-Main Milwaukee-Body Plt	AMC	HC	Order 5/17/76
Wyoming Green River	Allied Chiemical Calciner boiler	TSP TSP, NOx	NOV's 3/30/76
Wyoming Green River	Allied Chemical boiler 'D'	TSP, NOx NSPS	Order 3/30/76

APPENDIX B
Table 1

Civil Actions Initiated By EPA

Under Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act

January 1976 Through September 1976

Note: If no entry appears in last two columns, case was pending as of press time.

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
A-1 Pest Control Service Brooklyn, NY	II	1/30/76	4/9/76	$575
A-1 Pest Control Service Brooklyn, NY	II	2/11/76	4/9/76	$200
Adroit Pest Control St. Louis, MO	VII	3/12/76	4/15/76	$100
Ag. Products Co., Inc. Mesquite, MN	VI	7/27/76		
Akin/Alisonia Int'l Corp. Hinsdale, IL	V	1/22/76	5/21/76	$180
Alcatraz Co., Inc. Richmond, VA	III	2/20/76	6/9/76	$3000
Alcor Products City of Industry, CA	IX	3/18/76	6/11/76	$140
Amchem Products Ambler, PA	III	6/9/76	9/3/76	withdrawn
Amchem Products Inc. St. Joseph, MO	VII	8/16/76		

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
American Fluoride New Rochelle, NY	II	4/19/76	6/18/76	$1530
American Salt Co. Lyons, KS	VII	2/26/76	3/29/76	$1728
American Water Purification, Inc. Pleasant Hill, CA	IX	2/18/76	9/15/76	$5000
Animal Repellent Buffalo, NY	II	3/25/76		
Apollo Enterprises Inc. Altheimer, AR	VI	4/5/76	9/22/76	$1000
Applied Biochemists Mequon, WI	V	3/23/76		
Atco Manufacturing Co. Marietta, GA	IV	9/8/76		
ATI, Inc. Danville, IL	V	8/25/76		
Autochlor Systems of Phoenix Phoenix, AZ	IX	3/24/76	7/20/76	$270
Bartels & Shores Chemical Co. Kansas City, MO	VII	7/14/76	8/31/76	$50
Barton Chemical Corp. Chicago, IL	V	9/27/76		
Bay State Pool Supplies Cambridge, MA	I	8/19/76		
Beaver Sales & Service Gadsden, AL	IV	4/19/76	5/17/76	$4000

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Bel-Air Surgical Supply Los Angeles, CA	IX	7/16/76	11/2/76	$1320
Bes Tex Insecticides Co., Inc. San Angelo, TX	VI	4/28/76	1/13/76	
Better Living Labs, Inc. Memphis, TN	IV	8/5/76		
Bio Technics Inc. Omaha, NB	VII	1/22/76	2/19/76	$297
Blakely Wellgro Wellington, CO	VIII	4/19/76		
Blue Cross Labs. North Hollywood, CA	IX	1/16/76	3/23/76	$2200
Blue Magic Wilson, NC	IV	6/16/76	8/11/76	$3000
Bonded Chemical Corp. Lima, OH	V	1/30/76	6/3/76	$500
Bonewitz Chemicals, Inc. Turlock, CA	IX	2/24/76	4/14/76	$1680
Bonide Yorkville, NY	II	4/27/76	7/13/76	$3660
Buzz Off Products Inc. NY,NY	II	9/3/76		
Cadco Inc. Des Moines, IA	VII	6/8/76	9/9/76	$100

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT PENALTY OR STATUS
C&D Warehouse Billings, MT	VIII	4/19/76	4/29/76	withdrawn
Central Garden Supply S. San Francisco, CA	IX	6/16/76	8/16/76	$1680
Champion Intl. Corp. Kalamazoo, MI	V	5/7/76	8/26/76	$2400
Chapman Chemical Co. Memphis, TN	IV	2/10/76		
Chemco Products Inc. Tulsa, OK	VI	6/2/76	9/27/76	$1800
Chemia Corp. St. Louis, MO	VII	3/3/76	4/19/76	withdrawn
Chemical Packaging Corp. Ft. Lauderdale, FL	IV	6/8/76	8/13/76	$4000
Chemithon Corp. Seattle, WA	X	6/28/76		
Chemstat, Inc. Los Angeles, CA	IX	9/16/76	11/2/76	$1320
Chem Mark Of King County Seattle, WA	X	1/19/76	2/26/76	$180
Chem-Tab Co. Compton, CA	IX	3/24/76	5/7/76	$200
Chem-Trix Corp. Houston, TX	VI	9/27/76		

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Chevron Chemical Co. Maryland Heights, MO	VII	5/20/76	7/30/76	$1800
Churchill Chemical Co. Galesburg, IL	V	9/27/76		
Ciba Geigy Bayonne, NJ	II	7/1/76	10/1/76	$2400
Clean Best Corp. Los Angeles, CA	IX	9/3/76		
Clean Brite NY,NY	II	6/29/76	10/14/76	$1400
Coastal Chemical Corp. Greenville, NC	IV	2/4/76	4/1/76	$3000
Cole Chemical Co. St. Louis, MO	VII	3/3/76	4/27/76	$300
Colonial Products Lake Worth, FL	IV	7/6/76	10/5/76	$300
Consan Pacific Whittier, CA	IX	1/27/76	4/28/76	$2100
Continental Products Co. Euclid, OH	V	9/13/76		
Contract Maintenance Chemicals, Inc. Indianapolis, IN	V	9/27/76		
Contract Packaging Inc. Norwalk, IA	VII	5/10/76	5/8/76	withdrawn

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Conwood Corp. Memphis, TN	IV	8/6/76	10/5/76	$2268
Crown Chemicals St. Louis, MO	VII	4/21/76	8/5/76	$1458
Cumberland Mfg. Co. Nashville, TN	IV	1/12/76	4/1/76	$1100
Dakoline Chemical Co. Brooklyn, NY	II	6/23/76	9/28/76	$108
Danlo, Inc. Largo, FL	IV	6/16/76		
Decorator Specialties Co. Allston, MA	I	2/26/76	7/19/76	$200
Del Chemical Co. Sparks, NV	IX	1/23/76		
Delta Chemical Mfg. Co. Baltimore, MD	III	5/4/76		
Demert and Dougherty St. Louis, MO	VII	7/14/76	8/23/76	$1960
Derrick Soap Products, Inc. St. Louis, MO	VII	2/26/76	3/23/76	$172
Dixie Agricultural Sales Custis, FL	IV	4/26/76	6/16/76	$1235
Do It Yourself Insecticide Co. Compton, CA	IX	6/7/76	8/4/76	$522

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Do-It-Yourself Pest Control Co. Birmingham, AL	IV	8/20/76	9/27/76	$225
Dorex, Inc. Frankfort, IL	V	9/27/76		
Dover Chemical Corp. Dover, OH	V	1/30/76	3/8/76	withdrawn
Drew Chemical Corp. Houston, TX	VI	7/27/76		
Dr. MacDonald Vitamized Feed Co. Fort Dodge, IA	VII	1/9/76	2/19/76	$648
Edfred Chemical Co. San Jose, CA	IX	5/19/76	6/21/76	$330
Edward Leeds d/b/a Cougar Chemical Co. Miami, FL	IV	4/22/76	8/9/76	withdrawn
E. I. DuPont Wilmington, DE	III	1/4/76	3/10/76	withdrawn
Emge A[illegible]tion Marine Longhorne, PA	III	1/27/76	6/2/76	$4320
Emulso Corp. Buffalo, NY	II	4/9/76	9/2/76	$150
Engler Chemical Co Los Angeles, CA	IX	6/8/76	8/4/76	$320
E & P Supply Co. Lester, IA	VII	6/8/76	9/24/76	$5
Evergreen Pest Control Campbell, CA	IX	9/13/76		

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
E. W. Smith Chemical Co. City of Industry, CA	IX	3/18/76	5/19/76	$400
Exterminator Products Jersey City, NJ	II	4/22/76	7/27/76	$0
Farnam Companies, Inc. Omaha, NB	VII	8/23/76		
Fields Point Mfg. Corp. Providence, RI	I	3/1/76	7/5/76	withdrawn
Floralife, Inc. Chicago, IL	V	8/25/76		
Frank Miller & Sons Chicago, IL	V	9/27/76		
Frontiers Unlimited Salt Lake City, UT	VIII	4/19/76	5/26/76	withdrawn
GAF Industries Grasselli, NJ	II	1/30/76	5/13/76	$5000
General Blending Co., Inc. Jacksonville, FL	IV	7/6/76		
General Drug & Chemical Kansas City, KS	VII	2/26/76	3/15/76	withdrawn
General Pest Service Co. Los Angeles, CA	IX	6/15/76	9/14/76	$160
George Kirby Jr. New Bedford, MA	I	5/4/76	9/14/76	$430
Good-Life Chemicals, Effingham, IL	V	4/27/76	8/15/76	$2500

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Gordon C. Dampier Santa Ana, CA	IX	2/13/76	4/14/76	$500
Gowan Co. Calipatria, CA	IX	1/16/76	4/29/76	$2100
Gulf Chemicals Co. Houston, TX	VI	7/27/76		
Hart Hardware Co. Nashville, TN	IV	3/15/76	5/17/76	$300
Harvest Brand Industries Pittsburg, KS	VII	3/3/76		
Hawk Industries, Inc. Fairfield, NJ	II	1/30/76		
Hill Manufacturing Atlanta, GA	IV	8/16/76	9/27/76	$1260
H-J Chemicals Inc. Pomona, CA	IX	8/3/76		
Holder Corp Huntington, WV	III	6/12/76		
Holder Corp. Huntington, WV	III	6/23/76		
Hopewell Chemical Mfg. Co. Richmond, VA	III	6/2/76		
Hopkins Ag. Chemicals Madison, WI	V	9/27/76		
I. D. Russell Co. Kansas City, MO	VII	3/3/76		
Industrial Chemical Labs. Omaha, NB	VII	2/26/76	6/16/76	$1500

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT PENALTY OR STATUS
Industrial Chemical Labs, Inc. Omaha, NB	VII	7/14/76		
Intermountain Chemicals, Inc. Marsing, ID	X	7/6/76		
International Paint Co. S. San Francisco, CA	IX	4/26/76	6/25/76	$1000
Jac-Son Company Burbank, CA	IX	4/14/76	6/15/76	$870
Jaguar Chemical Co. Brooklyn, NY	II	7/28/76		
Jayro Products Santa Monica, CA	IX	9/3/76		
J. E. Flannigan Chemical Co. Southerland, NB	VII	3/3/76	4/16/76	$172
Jersey Chemicals Paterson, NJ	II	6/9/76		
Jet Aer Corp. Paterson, NJ	II	3/15/76	7/28/76	$4780
Jones Chemical Co. Calodonia, NY	II	7/1/76		
Keystone Scent Conditioner Co. Philadelphia, PA	III	1/27/76		
Kirsto Company Lansing, MI	V	3/22/76	6/25/76	$1350
Kiwi Polish Co. Pottstown, PA	III	3/30/76		
Knud's Pool Service, Inc. Pittsfield, MA	I	7/26/76		

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT PENALTY OR STATUS
Laundry Aids Lodi, NJ	II	2/18/76	7/8/76	$1220
Lawn And Garden Supply Co., Inc. Phoenix, AZ	IX	7/27/76	11/12/76	$1500
Levenson Chemical Omaha, NB	VII	2/26/76	3/25/76	$588
Lincoln Industrial Chemical Reading, PA	III	3/30/76	6/14/76	$2100
Ling Fuang Industries Gardnerville, NV	IX	3/11/76	7/27/76	$0
Lite-Weight Products Kansas City, KS	VII	4/12/76	5/27/76	$270
Louis Marchi Candle Newark, NJ	II	7/29/76	11/2/76	$1500
Lunar Industries Inc. Dickinson, TX	VI	4/5/76		
Maatz Engineering Oakland, CA	IX	1/16/76	2/24/76	dismissed
Magna Corp. Houston, TX	VI	4/26/76		
Maintex Inc. El Monte, CA	IX	6/15/76	6/24/76	withdrawn
Mammal Survey and Control Service Portland, OR	X	2/23/76		
Mar-Pak Midwest Inc. St. Louis, MO	VII	3/3/76	4/15/76	$100

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT PENALTY OR STATUS
Master Laboratorie Beaver Falls, PA	III	2/5/76		
Masury-Columbia Co. Glendale, CA	IX	1/27/76	4/14/76	$4000
Midland Labs Dubuque, IA	VII	1/6/76	3/24/76	withdrawn
Midland Research Labs., Inc. Lenexa, KS	VII	3/3/76	4/21/76	$622
Midline Exterminating Chicago, IL	V	1/2/76	3/25/76	$480
Midwest Chemical Co. Harlan, IA	VII	2/26/76	3/12/76	withdrawn
Mission Kleensweep Products, Inc. Los Angeles, CA	IX	6/11/76	7/12/76	dismissed
Mission Kleensweep Products Inc. Los Angeles, CA	IX	8/26/76		
Montco Research Products Hollister, FL	IV	6/25/76	8/6/76	$355
Montgomery Termite and Pest Control Bridgeport, KS	VII	9/3/76	10/28/76	withdrawn
MUCC Stewart Co. NY, NY	II	6/21/76	10/5/76	$385
Mueller Chemical Prairie du Sac, WI	V	6/7/76	11/3/76	$3825
Muralo Paint Bayonne, NJ	II	7/20/76		
National Purity Soap Minneapolis, MN	V	6/1/76	9/7/76	$1000

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT PENALTY OR STATUS
Nelson Torelli, Pres. Astor-Scott, Inc. Ft. Lauderdale, FL	IV	9/24/76		
New England Ind. Chem., Corp. Plainville, MA	I	9/27/76		
Nicolet Products Phoenix, AZ	IX	1/23/76	2/24/76	$132
Norris & Company, Inc. Salt Lake City, UT	VIII	8/16/76		
Nova Products, Inc. Kansas City, KS	VII	7/14/76	9/21/76	$600
O'Brien Industries Livingston, NJ	II	7/13/76		
O. K. Pool Service Miami, FL	IV	8/16/76		
Old Scratch Inc. Amarillo, TX	VI	9/27/76		
Olin Water Services Kansas City, KS	VII	9/2/76		
Olson Chemical Co. Indianapolis, IN	V	1/27/76	6/30/76	$640
Ortho Industries New Rochelle, NY	II	6/21/76		
Pacific-Agro Renton, WA	X	9/29/76		
Pactra, Inc. Los Angeles, CA	IX	7/12/76		
Parawax Company Council Bluffs, IA	VII	2/26/76	6/25/76	$350

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT PENALTY OR STATUS
Parker Engineered Chemicals High Point, NC	IV	8/16/76	9/27/76	$740
Parkway Research Corp. Miami, FL	IV	8/17/76		
Peavey Company Belgrane, MT	VIII	4/19/76	4/29/76	withdrawn
Pecks Products Co. St. Louis, MO	VII	9/2/76		
Petrolite Corp. Brea, CA	IX	6/17/76	9/13/76	$2160
Pharmasol Corp. Randolph, MA	1	8/30/76		
Phostoxin Sales Inc. Alhambra, CA	IX	2/13/76	3/31/76	$1680
Pioneer Chemical Co. Los Angeles, CA	IX	6/30/76	8/4/76	$630
Pioneer Chemical Co. Ponca City, OK	VI	9/27/76		
Plunkett Chemical Co. Chicago, IL	V	9/27/76		
Poly Chem Inc. New Orleans, LA	VI	4/5/76	6/3/76	$490
Professional Pest Control Supply Phoenix, AZ	IX	8/17/76		
Progress Chemical Canton, GA	IV	6/8/76	8/20/76	$1260

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT PENALTY OR STATUS
Progressive Electronics Dallas, TX	VI	4/26/76	5/10/76	withdrawn
Pure All Paint Co. Carlstadt, NJ	II	7/8/76		
Pueblo Chemical & Supply Co. Garden City, KS	VII	8/25/76		
Puregro Co. Casa Grande, AZ	IX	1/21/76	3/18/76	$6318
Q Pak Newark, NJ	II	9/14/76		
Radar Paint Co., Inc. Bronx, NY	II	6/3/76		
Ragland Mills, Inc. Neosho, MO	VII	2/26/76	4/9/76	$500
Red Wing Chemical Co. Chattanooga, TN	IV	6/4/76	8/3/76	$320
Reliable Chem. Corp. Passaic, NJ	II	1/26/76		
Reliable Chem. Corp. Passaic, NJ	II	1/26/76		
Reliance Chemical Charlottesville, VA	III	5/28/76		
R. H. Shumway Seedman Rockford, IL	V	3/23/76	5/3/76	$1650
Ridd Mfg., Co. Graham, NC	IV	6/4/76	9/27/76	$140
Rigo Company Buckner, KY	IV	5/21/76	10/18/76	$3000

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT PENALTY OR STATUS
Ritter Chemical Co. Houston, TX	VI	4/5/76		
Riverside Chemical Co. Blytheville, AR	VI	4/5/76	8/5/76	$1764
Riverside Chemical Co. Pine Bluff, AR	VI	4/5/76	8/5/76	$3528
Robarb, Inc. Atlanta, GA	IV	7/6/76		
Rockwin Products Hapaugue, NY	II	7/8/76		
Rush-Hampton Industries Longwood, FL	IV	2/11/76	5/3/76	$952
Sani-Kem Corp. Kansas City, MO	VII	7/14/76	8/18/76	$3400
Sanitized, Inc. New Preston, CT	I	9/16/76		
San Jose Surgical Supply, Inc. San Jose, CA	IX	7/16/76		
Scope Janitorial Supplies and Rentals Canoga Park, CA	IX	6/11/76	8/16/76	$600
Scranton Chemical Scranton, PA	III	4/16/176		
Selig Chem. Industries Atlanta, GA	IV	7/6/76	9/21/76	$2240

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT PENALTY OR STATUS
Shell Chemical Co. Denver, CO	VIII	4/19/76	10/7/76	$4000
Shepard Labs. Omaha, NB	VII	2/26/76	3/22/76	$432
Sidmar Enterprises Medway, MA	I	2/26/76		
Skaggs Drug Centers Salt Lake City, UT	VIII	4/19/76	10/27/76	$1920
Skasol, Inc. San Francisco, CA	IX	2/2/76	2/27/76	$480
Sko Chemical Corp. Lakewood, NJ	II	7/29/76		
Smith Distributing Bellflower, CA	IX	3/5/76	9/30/76	$1600
Smith Douglas Div. Borden Inc. Kinston, NC	IV	8/25/76		
Southwest Grease & Oil Co. Omaha, NB	VII	3/12/76	4/12/76	$1500
Sparkle Chemical And Cleantenance Corp. Phoenix, AZ	IX	8/4/76		
Specialty Chemical El Reno, OK	VI	6/18/76		
Specialty Chemical Mfg. Co., Inc. Yukon, OK	VI	7/27/76		
Standard Oil of California San Diego, CA	IX	2/24/76	5/24/76	$1700
Standard Sales Insecticide Co. Brooklyn, NY	II	7/28/76	9/22/76	$180

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT PENALTY OR STATUS
Stauffer Chemical Co. St. Louis, MO	VII	9/23/76		
Steri-Kem, Inc. Santa Fe Springs, CA	IX	7/16/76	10/29/76	$850
St. Louis Paint Mfr. Co. St. Louis, MO	VII	2/26/76	3/11/76	withdrawn
Sullivan Chemical Co. Long Beach, CA	IX	8/19/76		$200
Surpass Chemical Albany, NY	II	7/20/76		
Swift Chemical Co. Los Angles, CA	IX	1/29/76	4/23/76	$11,500
Swift, Inc. Houston, TX	VI	4/5/76	7/30/76	$6880
Take Along Co., Inc. West Seneca, NY	II	7/13/76	11/11/76	$0
Tax Corporation of America D/B/A American Dish Co. Kansas City, MO	VII	3/3/76	3/24/76	$653
Techne Corp. St. Joseph, MO	VII	1/23/76	3/30/76	$3720
Tecumseh Animal Tecumseh, NB	VII	8/5/76	8/31/76	$300
Terminal Packaging Corp. Council Bluffs, IA	VII	8/23/76		
Tex-Ag Company, Inc. Mission, TX	VI	7/27/76		
The Broadway Supply Co. Cleveland, OH	V	1/27/76	3/30/76	$3456

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT PENALTY OR STATUS
The Uddo Company New Orleans, LA	VI	7/27/76		
Thompson-Hayward Chemical Company Fresno, CA	IX	3/19/76	6/6/76	$1890
Thompson-Hayward Chemical Co. Denver, CO	VIII	4/19/76	4/29/76	withdrawn
Thompson-Hayward Chemical Co. Kansas City, KS	VII	7/12/76		
301 Exterminating Co. Wilson, NC	IV	9/1/76		
3 M Company Decatur, AL	IV	6/8/76	8/25/76	$3120
Tifton Chemical Co. Tifton, GA	IV	2/12/76	10/5/76	$8400
Tim Hennigan Eng. Co., Inc. Mansfield, MA	I	3/1/76		
Tretolite Company St. Louis, MO	VII	9/3/76		
Tunis Brothers Co. Kennett Square, PA	III	6/9/76		
Twi Laq Chem. Co. Brooklyn, NY	II	7/8/76		
Uni-Chem Corp. of Florida Ft. Lauderdale, FL	IV	6/25/76		
U.S. Yacht Paint Montville, NJ	II	8/23/76	10/8/76	withdrawn
Velsicol Chemical Chicago, IL	V	3/3/76	4/23/76	$1600

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT PENALTY OR STATUS
W. A. Cleary Corp. Somerset, NJ	II	8/30/76		
W. R. Grace & Co. Baltimore, MD	III	5/12/76	8/26/76	$900
Wasco Product, Inc. Anaheim, CA	IX	4/5/76	6/15/76	$1518
Waterlox Chemical Cleveland, OH	V	8/5/76		
Welco Manufacturing Company, Inc. North Kansas City, MO	VII	6/14/76		
White Laboratories Orlando, FL	IV	3/15/76	6/16/76	$990
Willard Products, Co. Redwood City, CA	IX	8/17/76	11/12/76	$600
Wise Chemical Co. Pittsburgh, PA	III	6/21/76		
Woods Industries, Inc. Yakima, WA	X	6/28/76		
Woolsey Marine Brooklyn, NY	II	6/21/76		
Woolsey Marine Brooklyn, NY	II	6/22/76		
World's Best Products Union Mills, IN	V	3/30/76		
World Wide Exterminating Corp. Brooklyn, NY	II	6/30/76	9/3/76	$300
X-L Laboratories Des Moines, IA	VII	2/23/76	7/8/76	$250

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT PENALTY OR STATUS
Yankee Chemical Corp. Taunton, MA	I	8/6/76		
Zep Manufacturing Co. Santa Clara, CA	IX	3/11/76	5/3/76	$1440
Zing Products Inc. St. Louis, MO	VII	2/13/76	3/15/76	$118

APPENDIX B
Table 2

UPDATE OF RESULTS FOR CIVIL PENALTY PROCEEDINGS INITIATED BY EPA UNDER SECTION 14(a) OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT, AS AMENDED* DECEMBER 1974 THROUGH DECEMBER 1975

NOTE: If no entry appears in last two columns, case was in pending status as of press time.

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Aero Mist, Inc. Marietta, GA	IV	4/30/75	3/3/76	withdrawn
Air Shield, Inc. Moncks Corner, SC	IV	4/29/75	8/25/75	$2800
Alden Leeds Kearny, NJ	II	11/26/75		
Alden Leeds Kearny, NJ	II	11/26/75		
Ambix Laboratories North Bergen, NJ	II	12/11/75	9/8/76	$1401
Amvac Chemical Corp. Los Angeles, CA	IX	6/30/75		
Applegates Drug Stores Inc. Bentonville, AR	VI	10/3/75	7/6/76	$ 420
Aquashade, Inc. Dobbs Ferry, NJ	II	11/19/75	1/9//76	$ 250
Arcal Chemicals Seat Pleasant, MD	III	11/24/75	2/13/76	$3000
ArChem Corp. Portsmouth, OH	V	12/29/75		
Atlantic Fertilizer & Chem. Co. Homestead, FL	IV	6/19/75		

*The actions for which results are reported on in this table were first listed in Appendix B of the EPA Report, entitled, EPA ENFORCEMENT A PROGRESS REPORT DECEMBER 1974 TO DECEMBER 1975", and were shown as "Pending" in that volume if dispositive action had not been taken at press time.

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Auto-Chlor System of La. and S. Miss. Bossier City, LA	VI	8/18/75	7/30/76	$ 750
Auto Chlor, Inc. Denver, CO	VIII	8/20/75	11/1/76	$ 264
Away Chemical Corp. Houston, TX	VI	8/18/75		
Big D Chemical Co. Oklahoma City, OK	VI	7/31/75		
Bighorn Coop Basin, WY	VIII	5/16/75	1/13/76	$ 220
Bixon Chem. Queens, NY	II	7/4/75	1/16/76	$4045
Bixon Chem. Queens, NY	II	7/11/75	1/16/76	$3350
Blue Grass Chemi Spec. Co. New Albany, IN	V	7/24/75		withdrawn
Blumberg Co. Peabody, MA	I	10/14/75	9/7/76	$ 500
Bower Industries Phoenix, AZ	IX	6/30/75	5/12/76	$2400
Browman Mell Co. Harrisburg, PA	III	10/31/75	2/13/76	$ 500
Calgon Corp. St. Louis, MO	VII	4/1/75	9/26/75	dismissed
Cantol Co. Philadelphia, PA	III	10/28/75		5/4/76 Issued Notice of Warning
Cantor Brothers Inc. Farmingdale, NY	II	10/16/75		
Carolina Chemicals Inc. W. Columbia, SC	IV	12/16/75	3/8/76	$1260

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Cealin Chemicals Jacksonville, FL	IV	9/25/75	1/19/76	$ 980
Champion Int'l Vacouver, WA	X	8/22/75		
Chem Fab Co. Mission, KS	VII	12/3/75	1/30/76	$ 118
Chemifax Chemical Co. Lamirada, CA	IX	4/16/75	2/18/76	$1800
Chevron Chemical Co. Orlando, FL	IV	11/7/75	6/8/76	$ 6000
Chevron Chem. Co. Maryland Heights, MO	VII	12/4/75	2/19/76	$3200
C. H. Lilly Co. Portland, OR	X	12/23/75		
Clorben Chem. Kearny, NJ	II	7/14/75		
Common Market Inc. N.Y., NY	II	3/3/75	10/27/76	withdrawn
Conn. Aerosols Co. Milford, CT	I	10/22/75	5/24/76	$4500
Continental Research Corp. St. Louis, MO	VII	12/3/75		
Contra Costa Maintenance Supply Co. Concord, CA	IX	6/30/75	2/27/76	dismissed
Continental Chemical Corp. Chicago, IL	V	6/30/75	3/10/76	$1750
Cook & Dunn Co. Newark, NJ	II	12/31/75	5/10/76	$4760
Cougar Chemical Co. Miami, FL	IV	12/16/75	8/11//76	$4100
Crown Tar & Chemical Denver, CO	VIII	8/8/75	1/13/76	$ 270

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Cutting Division Harvest Industries Sacramento, CA	IX	4/30/75		
Daly's, Inc. Seattle, WA	X	8/22/75	4/19/76	$ 440
Deisch-Benham, Inc. Nappanee, IN	V	12/29/75	2/24/76	$1400
Dow Chemical Co. Kansas City, MO	VII	7/16/75	4/20/76	$1800
Eastern Laboratories Vineland, NJ	II	8/20/75	10/18/76	0
Earl May Seed & Nursery Co. Shenandoah, IA	VII	12/23/75	2/5/76	$2400
Euclid Chemical Co. Cleveland, OH	V	10/1/75	2/11/76	$1320
Famco, Inc. Medina, OH	V	12/16/75	2/24/76	$1155
F & H Chemicals Visalia, CA	IX	5/16/75	2/20/76	$ 500
Fleming & Co. St. Louis, MO	VII	1/25/75		
Fleming & Co. St. Louis, MO	VII	7/25/75		
Fords Chem & Service, Inc. Pasadena, TX	VI	6/12/75		
Fuller-O'Brien S. San Francisco, CA	IX	6/30/75	2/27/76	dismissed
Fuller Systems Co. Woburn, MA	I	11/7/75		
George's Pest Control Service Chico, CA	IX	6/30/75		

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Gibson-Homans Portland, OR	X	6/17/75	4/12/76	$ 750
Good-Way Insecticide, Inc. Arlington Heights, IL	V	12/19/75	9/7/76	$ 200
Grace-Lee Products, Inc. Minneapolis, MN	V	10/1/75	1/21/76	$1000
Grant Laboratories Oakland, CA	IX	6/30/75	3/11/76	$3432
Gulf Engineering New Orleans, LA	VI	4/30/75		
Hercules, Inc. Houston, TX	VI	9/26/75		
H-O-H Chemicals, Inc. Palatine, IL	V	4/3/75	2/24/76	$3247
Hooker Chemical Co. Niagara Falls, NY	II	5/19/75	2/19/76	$9300
Hub States Corp. Indianapolis, IN	V	1/31/75	3/25/76	$3000
Int'l Multifoods, Ag. Chem. Madison, WI	V	10/1/75	1/21/76	$2100
Ionics Inc. Bridgeville, PA	III	9/8/75	3/24/76	withdrawn
Jaguar Chem. New York, NY	II	7/3/75	8/26/75	$4600
J & B Enterprise Helena, AL	IV	6/30/75		
James Varley & Sons St. Louis, MO	VII	4/30/75	6/26/75	$ 972
James Varley & Sons St. Louis, MO	VII	11/25/75	1/7/76	$1000

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Javo-Mex Corp. South Holland, IL	V	12/24/75	3/25/76	$ 432
Kerr-McGee Chemical Corp. Jacksonville, FL	IV	6/30/75	8/10/76	withdrawn
Kill It All Insecticide Co. Montebello, CA	IX	6/30/75	9/2/76	dismissed
Kill Rat Corp. Phoenix, AZ	IX	6/30/75	2/26/76	withdrawn
Krest Products Co. Leominister, MA	I	5/7/75	4/26/76	$1750
Laboratory Automated Chemicals Gardena, CA	IX	6/30/75	3/4/76	$ 250
Land & Sky Lincoln, NB	VII	12/5/75	1/26/76	$ 297
Lebanon Chem. Lebanon, PA	III	9/30/75	2/24/76	withdrawn
Levenson Chemical Co. Omaha, NB	VII	12/23/75	1/23/76	$ 864
Lift Products Inc. Cedar Rapids, IA	VII	8/26/75	1/9/76	$ 324
Luseaux Labs. Gardena, CA	IX	6/30/75	2/13/76	$2695
Madison Bionics Gardena, CA	IX	6/30/75	3/4/76	$2250
March Chem. Co Denham Springs, LA	VI	7/31/75	7/7/76	$ 450
McInnis Labs. Meridan, MS	IV	10/29/75		
Mid-America Formulators Arlington, TN	IV	10/31/75		

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Miller-Morton Co. Richmond, VA	III	12/4/75	3/1/76	$1700
Monsey Products Kimberton, PA	III	10/26/75	2/13/76	$2200
Moyer Chemical Co. San Jose, CA	IX	4/16/75	2/4/76	$1000
National Purity Water Inc. Deerfield, FL	IV	9/12/75		
Nationwide Chem. Brooklyn, NY	II	6/26/75	2/19/76	$3700
Nationwide Chem. Brooklyn, NY	II	11/26/75	2/19/76	$3700
N. Jonas Company Philadelphia, PA	III	4/3/75	6/8/76	$5000
Nova Products Inc. Kansas City, KS	VII	7/15/75	2/2/76	$ 400
NuTone Products Denver, CO	VIII	8/8/75	11/29/76	withdrawn
Omaha Compound Co. Omaha, NB	VII	11/21/75	1/6/76	$2900
Ommnican Medical Inc. Dallas, TX	VI	9/25/75	3/24/76	$ 500
Pace National Magnolia Feed & Fert. Kirkland, WA	X	6/20/75	5/24/76	$1400
Park Hill Chemical Mt. Vernon, NY	II	3/19/75	3/29/76	0
Park Hill Chemical Mt. Vernon, NY	II	3/28/75	3/29/76	0
Parramore & Griffin Seed Valdosta, GA	IV	1/30/75	3/16/76	$6960

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Plaz. Inc. St. Louis, MO	VII	12/5/75	1/9/76	withdrawn
Pollution Control Products, Inc. Ft. Lauderdale, FL	IV	6/6/75		
Pride Laboratories Farmingdale, NY	II	10/17/75		9/9/76 included with TMS Labs. Farmingdale, NY
Property Chemical Products Div. Chemirust Industries Gardena, CA	IX	6/17/75	3/4/76	0
Pro-Serve, Inc. Memphis, TN	IV	6/30/75	12/15/75	withdrawn
Puritan Chemical Co. Atlanta, GA	IV	9/4/75		
Redwood Chemical Corp. Houston, TX	VI	10/22/75		
Red Star Poison Co. Woodburn, OR	X	6/5/75	2/21/76	$168
Rigo Chemical Co. Buckner, KY	IV	11/7/75		
Sanitary Supply Co. Beaumont, TX	VI	12/21/75	4/26/76	$550
Sentinel Pest Control Springfield, IL	V	12/24/75	3/10/76	$500
Sheff Chem. & Supply Co. Bradenton, FL	IV	11/7/75	4/1/76	$365
Shell Chemical Princeton, NJ	II	12/11/75	1/30/76	withdrawn
Simchem Minerals & Chemicals Mountain Home, ID	X	12/31/75		

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Singletary & Company Rocky Mount, NC	IV	7/28/75	8/9/76	withdrawn
Southern Mill Creek Products Co. Tampa, FL	IV	8/18/75	2/6/76	$1800
State Enterprises Farmingdale, NY	II	9/17/75	9/13/76	$1188
Stearns Chemical Corp. Madison, WI	V	12/16/75		
Stewart Hall Petroleum Mt. Vernon, NY	II	9/16/75	4/27/76	$4450
Stewart Hall Petroleum Mt. Vernon, NY	II	9/17/75	4/27/76	$2600
Sunnyside Products, Inc. Chicago, IL	V	10/1/75	1/21/76	$1320
Tenneco Chemicals Elizabeth, NJ	II	9/17/75	1/9/76	$4960
Texmo Lewisville, TX	VI	10/3/75	4/26/76	withdrawn
The Brite House Company Chicago, IL	V	10/1/75	2/3/76	$ 500
The Candleworks Inc. St. Louis, MO	VII	12/1/75		
Thomas Proestler Davenport, IA	VII	9/26/75	1/28/76	$1188
Time Chemical, Inc. Atlanta, GA	IV	11/7/75	2/17/76	$2240
Thompson-Hayward Chem. Co. New Orleans, LA	VI	9/26/75	1/6/76	$2400

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Thompson-Hayward Chem. Co. Fayetteville, SC	IV	12/16/75	4/22/76	$3200
Thompson-Hayward Chem. Co. Muscle Shoals, AL	IV	12/18/75	4/22/76	$1260
TMS Laboratories Farmingdale, NY	II	9/29/75	9/9/76 includes Pride Labs. Farmingdale, NY	$3267
United Lace & Brade Co. Great Neck, NY	II	10/29/75	10/22/76	withdrawn
Utility Chemical Paterson, NJ	II	11/26/75	1/15/76	$4800
Valley Chemical Co. Imperial, CA	IX	4/16/75	2/6/76	$ 300
Venus Laboratories, Inc. Bensenville, IL	V	7/11/75	8/24/76	$1260
Vineland Labs. Vineland, NJ	II	9/23/75	8/9/76	$3500
Water Purification Technology, Inc. Miami, FL	IV	7/28/75		
Water Services, Inc. Knoxville, TN	IV	12/24/75		
Weil Chemical Co. Inc. Memphis, TN	IV	9/30/75	11/17/75	$ 360
Western Tar Products Terre Haute, IN	V	12/24/75	2/12/76	withdrawn
Wichita Brush & Chemical Co. Wichita, KS	VII	12/3/75	1/12/76	$1560

NAME CITY STATE	REGION	COMPLAINT ISSUE DATE	DATE OF FINAL ORDER	AMOUNT OF PENALTY OR STATUS
Wilson Aerosol Company Spring Hope, NC	IV	8/21/75	2/17/76	$ 510
W. R. Sweeney Mfg. Co. Salisbury, MO	VII	11/25/75	1/6/76	$ 654
Zoe Chem. New Hyde Parks, NY	II	7/14/75	1/2/76	$ 720

APPENDIX C
Table 1

Civil & Criminal Enforcement Actions
(Section 309 & 301 Referrals to U.S. Attorney)
As of 30 SEP 1976

ACTIVE CASES: REFERRED AND FILED (57) - THIS LISTING REFLECTS ONLY THOSE CASES THAT HAVE BEEN FILED

* Region Type Permittee Permit Number (Major/Minor) Location Receiving Waters	* Referral Date Filing Date Status (Disposition)	* Alleged Violation
I CIVIL BARNES WORSTEDS, INC. MA 003174 MINOR MA, KINGSTON JONES RIVER	9-17-75 OCT 75	Failure to meet compliance schedule dates. Noncompliance with permit.
I CIVIL HAVERHILL GAS COMPANY N/A MA, HAVERHILL Unnamed brook & LITTLE RIVER	12-17-74 3-3-75 Pending - US ATTY has filed complaint.	Non-filer. Approx. 6 mil. gals. of water containing phenol, iron & contaminants.
I CIVIL HOLLAND CO., INC. N/A MA, ADAMS HOOSIC RIVER	11-14-75 2-11-76 ?	Unauth. disch., 5/21/75, tank rupture, 20,000 gals. of aluminum sulfate (alum) entered river resulting in fish kill.
I CIVIL LYNN (MUN) MA 0100552 MAJOR MA, LYNN BOSTON BAY	2/19/76 6/2/76 ?	Failure to submit final plans & specifications for proposed treatment facility, failure to submit progress reports, failure to retain consultant for such plans & specifications.
I CIVIL MILTON LEATHER BOARD CO. NH 0000213 MAJOR NH, MILTON SALMON FALLS RIVER	12-16-75 2-25-76	Failure to comply with permit, exceeding eff. limits & failure to construct treatment works.

Civil & Criminal Enforcement Actions
(Section 309 & 301 Referrals tc U.S. Attorney)
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I CIVIL & CRIMINAL POTATO SERVICE, INC. ME 0000566 MAJOR ME, PRESQUE ISLE AROOSTOOK RIVER	5/26/76 Criminal information Filed 7-21-76	Violated effluent limits, not utilizing all treatment facilities to insure maximum efficiency, operating while not in compliance with permit conditions, willful violation of permit for economic reasons.
I CIVIL TIVIAN LABORATORIES, INC. N/A RI, PROVIDENCE N/A	3/23/76 5/6/76	Failure to comply w/EPA Order concerning info requested in the use and handling of PCBs.

Civil & Criminal Enforcement Actions
(Section 309 & 301 Referrals to U.S. Attorney)
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II CIVIL GERARD ALLEYNE N/A NY, HASTINGS-ON-THE-HUDSON HUDSON RIVER	3-17-76 3-31-76	Illegal fill, no permit.
II CRIMINAL BEACON PIECE DYEING & FINISHING COMPANY N/A NY, BEACON FISH KILL CREEK	6-27-75 2-3-76	Disch. w/o permit.
II CIVIL DEL MONTE de PUERTO RICO, INC. PR 0000183 MAJOR PR, MAYAGUEZ MAYAGUEZ BAY	3/16/76 5/26/76	Failure to submit complete final plans & specifications for treatment facilities by 7/31/75 & failure to commence construction by 11/30/75, no report of noncompliance.
II CIVIL GENERAL GASES & SUPPLIES CORP. PR 0001325 MAJOR PR, CATANO CANO AGUAS FRIAS	7/23/76 8/18/76	Failure to submit engineering report, failure to complete final plans and specifications.
II CIVIL STAR-KIST CARIBE, INC. PR 0000299 MAJOR PR, MAYAGUEZ MAYAGUEZ BAY	3/16/76 5/26/76	Failure to submit complete final plans & specifications for treatment facilities by 7/31/75 & failure to commence construction by 9/30/75, no report of noncompliance.

Civil & Criminal Enforcement Actions
(Section 309 & 301 Referrals to U.S. Attorney)
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III CRIMINAL ALLIED CHEMICAL CORP. (Plastics Div) & Responsible Officials VA 0005291 MAJOR VA, Hopewell Gravelly Run	12/2/75 May 76	Unlawful discharge (940 counts) of industrial wastes from the production of "KEPONE".
III CRIMINAL LIFE SCIENCE PRODUCTS CO. & Responsible Officials N/A VA, Hopewell Gravelly Run	12/2/75 May 76	Unlawful discharges of industrial wastes from the production of "KEPONE".

Civil & Criminal Enforcement Actions
(Section 309 & 301 Referrals to U.S. Attorney)
As of 30 SEP 1976

IV CIVIL ALTON BOX BOARD COMPANY FL 0000892 MAJOR FL, JACKSONVILLE ST. JOHN RIVER	2-19-75 5-22-75 Under negotiations	Failed to completeconstruction of waste treatment system by 12-31-74.
IV CIVIL ARLINGTON BLENDING & PACKAGING CO., INC. N/A, MAJOR TN, ARLINGTON LOOSAHATCHIE RIVER	10-24-75 1-5-76	Disch. w/o permit, non-filer, unauth. disch of pesticides on 9 different dates.
IV CIVIL AUSTELL BOX BOARD CORP. GA 0001911 MAJOR GA, AUSTELL SWEETWATER CREEK	9-17-75 1-7-76	Unauth. disch. of 2.5 mil. gals. of untreated process wastewater, due to dam break. Disch. not covered in permit, 6/29/75.
IV CIVIL PYTE KNITTING MILLS (A Div. of Jonathan Logan, Inc.) SC 0000957 MINOR SC, SPARTANBURG NORTH TYGER RIVER	11-12-75 12-5-75	Violation of Interim Eff. Limits & failure to submit noncompliance reports.
IV CIVIL CARO-KNIT, INC. SC 0002500 MAJOR SC, JEFFERSON SOUTH FORK CREEK	6/18/76 Filed July 76	Continuous violations of effluent limits, failure to submit required preliminary engineering report, discharging while not in compliance with permit.
IV CIVIL THE CARR CO. (A United Div. of TRW, Inc.) TN 0002127 MINOR TN, KNOXVILLE FRENCH BOARD RIVER	1/7/76 7/28/76	Violation of eff. limits, failed to comply w/compliance schedule, disch. while not in compliance w/permit

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Civil & Criminal Enforcement Actions
(Section 309 & 301 Referrals to U.S. Attorney)
As of 30 SEP 1976

IV CIVIL FEDERAL PAPER BOARD CO., INC. NC 0003298 MAJOR NC, RIEGELWOOD CAPE FEAR RIVER	1-7-76 2-10-76	Approx. 500,000 gals. of "Black Liquor" escaped to river resulting in fish kill, small lagoon broke, 6/19/75, disch. not auth. by permit.
IV CIVIL HERMITAGE COTTON MILLS SC 0002518 MAJOR SC, CAMDEN BIG PINE TREE CREEK	2-20-76 4-7-76	Did not complete final plans for achieving compliance w/final effl. limits by 6/30/74, did not complete construction of WTP by 9/30/74, did not attain operational level by 6/30/75, disch. while not in compliance w/permit.
IV CIVIL PRESTOLITE ELECTRICAL DIV. of Eltra Corp. AL 0000086 MAJOR AL, DECATUR BAKERS CREEK	8/6/76 8/20/76	Did not achieve effluent limitations as of 12/26/73 & has not achieved such as of 8/6/76, did not achieve final effluent limitations as of 4/1/75. Discharging while not in compliance with permit.
IV CIVIL SANTEE PRINT WORKS SC 0001309 MAJOR SC, SUMTER Unnamed Trib. of TURKEY CREEK	7-10-75 8-27-75 Pending	Failed to meet eff. limits.
IV CIVIL STATE INDUSTRIES, INC. TN 0002488 MAJOR TN, ASHLAND CUMBERLAND RIVER	3/31/76 6/23/76	Violated effl. limits disch. while not in compliance w/permit conditions.
IV CIVIL SWIFT AGRICULTURAL CHEM CORP. FL 0001180 MAJOR FL, BARTOW WHIDDEN CREEK & PEACE RIVER	6/18/76 7/27/78	Bypassed and diverted untreated wastewater 12/2/75, violation of permit conditions.

Civil & Criminal Enforcement Actions
(Section 309 & 301 Referrals to U.S. Attorney)
As of 30 SEP 1976

IV CIVIL TENNESSEE ELECTROPLATING CO., INC. TN 0001180 MAJOR TN, RIPLEY HYDE CREEK	11/17/75 6/25/76	Disch. while not in compliance w/permit. Exceeding effl. limits.
IV CIVIL VELSICOL CHEMICAL CORP. TN 0000051 MAJOR TN, MEMPHIS CYPRESS CREEK	7-3-75 10-10-75 Pending	Failed to meet eff. limits.

Civil & Criminal Enforcement Actions
ion 309 & 301 Referrals to U.S. Attorney)
As of 30 SEP 1976

V CIVIL **AMOCO** OIL CO. (Whiting Refinery) N/A IN, WHITING LAKE MICHIGAN	4/24/75 5/11/76	Phenol Spill, 12/13/74
V CIVIL **DANA** CORP., Midwest Frame Div. MI 0005894 MAJOR MI, ECORSE Navigable USA	7-24-75 12-23-75 Answer Filed	Soap Spill - 4/16/75, Disch. of soap not auth. in permit.
V CIVIL **STEAMER** GEORGE HINDMAN N/A MI ST. CLAIR RIVER	12-22-75 10-15-75 Indictment Returned.	Oil disch into St. Clair River, unk. amt. 9/17/75.
V CIVIL **INTERNATIONAL** HARVESTER, WISCONSIN STEEL DIV. IL 0001660 MAJOR IL, CHICAGO **CALUMET** RIVER	10-6-75 12-17-75 Answer Filed	Violated effl. limits, continuing noncompliance.
V CIVIL **MOSS-AMERICAN**, INC. N/A WI, MILWAUKEE **LITTLE MENOMONEE** RIVER	2-15-75 5-19-75 Interrogatories Filed	Unauth. disch.
V CIVIL **PAN AMERICAN** CHEMICAL CORP. N/A OH, TOLEDO Navigable USA	7-11-75 11-11-75 Complaint Filed.	Sodium Hydroxide Spill - 4/15/75. Approx. 1700 gals. disch.

Civil & Criminal Enforcement Actions
(Section 309 & 301 Referrals to U.S. Attorney)
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V CIVIL PETERSON/PURITAN, INC. IL 0004162 MINOR IL, DANVILLE N/A	2/4/76 7/12/76	Paint Spill, 11/23 & 24/74
V CIVIL RESEARCH OIL CO. N/A OH, CLEVELAND BIG CREEK	6/29/76 8/9/76	Spill, waste oil & PCB's.
V CIVIL SELYM UTILITY CO. N/A IL, WILL COUNTY PLUM CREEK	2-27-76 3-10-76 Complaint Filed - Pending	Non-filer.
V CIVIL WILLIAMS PIPE LINE CO. N/A IL, FAYETTE COUNTY & JASPER COUNTY Unnamed Trib. to IONE GROVE Branch, Trib. to East Fork of KASKASKIA RIVER	9-23-75 & 10-20-75 12-10-75	Spills approx. 6,000 gals. & 27,000 gals. of liquid fertilizer (URAN), due to corrosion leak in 10" pipelines. 4/7/75 & 5/6/75.

Civil & Criminal Enforcement Actions
(Section 309 & 301 Referrals to U.S. Attorney)
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VI CIVIL AMERICAN CYANAMID CO. LA 0004367 MAJOR LA, WESTWEGO MISSISSIPPI RIVER	10-2-75 & 2-6-76 10-9-75	Violated effl. limitations, 3/11/75, 3/18/75 & 3/19/75, exceeded "Amonia as N" by 45,000 lbs., 69,000 lbs. & 32,000 lbs., Disch. 537 lbs. of "Chromium" on 7/16 & 7/17/75, max. is 100 lbs. per/day.
VI CIVIL COMMERCIAL SOLVENTS CORP. LA 0007854 MAJOR LA, STERLINGTON OUACHITA RIVER	2-3-76 2-3-76	Bypassed deep well waste injection system on 26 different dates in '75, violation of permit condition.
VI CIVIL DOW CHEMICAL CO. TX 0006483 MAJOR TX, FREEPORT BRAZOS RIVER	6/25/76 N/A Referred to US ATTY for Collection of $10,000 Penalty as agreed to in Settlement Agreement.	Failure to assure meeting a compliance schedule date.
VI CIVIL U.S. Pollution Control, Inc. N/A OK, TULSA ARKANSAS RIVER	6/10/76 N/A Referred to US ATTY for collection of $6,000 Penalty Assessment.	Discharging without a permit.

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Civil & Criminal Enforcement Actions
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VII CIVIL D & R FARM CO. IA 0048283 MINOF IA, MERRILL Navigable USA	1-12-76 2-20-76	Failure to submit plans of existing holding pond for approval, failure to submit revised plans for waste control facilities, failure to submit management plan for disposal of liquid & solid wastes, failure to achieve operational level of waste control facilities so as to meet disch. limits.

Civil & Criminal Enforcement Actions
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VIII **CIVIL** **COLORADO** TANK LINES **N/A** **CO, ARVADA** **PINE** CREEK & MONUMENT CREEK	8-27-75 11-18-75	Approx. 3,000 - 4,000 gals. heating oil spill, 10-1-73 unauth. disch.
VIII **CIVIL** **EARTH** SCIENCES, INC. **N/A** **CO,** SAN LUIS **RITO** SECO	3-2-76 3/25/76	Disch. w/o a permit on 4/6/75 4/16/75 & 10/19/75 resulting in fish kill.
VIII **CIVIL** **KEYSTONE** LODGE, RALSTON PURINA COMPANY **N/A** **CO, DILLON** **Drainage** ditch to SNAKE RIVER to Dillon Reservoir	5-15-75 2-20-76	Disch. w/o permit.
VIII **CIVIL** **RICO** ARGENTINE MINING CO. **N/A** **CO,** RICO **DELORES** RIVER	10-11-74 7-2-75 Pending	Non-filer.
VIII **CIVIL** **SILVER** BOW COUNTY **MT** 0022012 MAJOR **MT,** BUTTE **SILVER** BOW CREEK (Trib. of Clark Fork River)	11-20-74 2-26-75 Pending	Violated permit conditions & Compliance Order.
VIII **CIVIL** **THATCHER** CHEMICAL CO. **N/A** **UT, SALT** LAKE CITY **SURPLUS** CANAL, A Trib. to GREAT SALT LAKE	8-21-75 2-6-76	Unauth. disch., no permit.

Civil & Criminal Enforcement Actions
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VIII CIVIL U.S. ENERGY CORP. (Keystone Mine) N/A CO, CRESTED BUTTE COAL CREEK	12-10-75 3-2-76	Disch. w/o permit, 4/26/75, 4/29/75, 5/1/75, & 5/2/75.

Civil & Criminal Enforcement Actions
(Section 309 & 301 Referrals tc U.S. Attorney)
As of 30 SEP 1976

IX CIVIL LAUPAHOEHOE SUGAR CO HI 000159 MAJOR HI, HONOLULU PACIFIC OCEAN	8/19/76 8/19/76	Ordered to show cause why it should not be adjudged to be in contempt of court (Violation of Consent Decree).
IX CIVIL SIMPSON TIMBER CO N/A CA, FAIRHAVEN HUMBOLDT BAY	10/28/75 8/3/76	Disch. w/o permit, 4/1/75.
IX CIVIL STAR-KIST FOODS, INC. AS 0000019 MAJOR AS, PAGO PAGO PAGO PAGO HARBOR	12-15-75 2-24-76 Pending - settlement Discussions in progress.	Unlawful disch. outfall not covered in permit.

Civil & Criminal Enforcement Actions
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X CIVIL ARMOUR & CO ID 0000787 MINOR ID, NAMPA INDIAN CREEK	6/25/76 7/14/76	Violated effluent limits (violated specific permit conditions).
X CIVIL HORSESHOE BEND & TUDOR ENGINEERING CO. (Mun) ID 0021024 MINOR ID, HORSESHOE BEND PAYETTE RIVER	2/5/76 5/14/76	Unlawful disch. of raw sewerage - bypassing treatment lagoons.
X CIVIL BUNKER HILL COMPANY ID 0000078 MAJOR ID, KELLOGG SOUTH FORK COEUR D'ALENE SILVER KING CREEK	4-15-75 9-2-75 Pending	Permit exceeded eff. limits & certain special conditions.
X CIVIL URSIN SEAFOODS, INC. AK 0000591 MAJOR AK, KODIAK ST. PAUL HARBOR	8/9/74 & 12/24/75 3/16/76	Diverted seafood wastes & bypassed required screening treatment facilities on 9/30/75, 10/1/75, & 10/2/75, in violation of a permit.

Civil & Criminal Enforcement Actions
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As of 30 SEP 1976

* Region Type Permittee Permit Number (Major/Minor) Location Receiving Waters	* Referral Date Filing Date Status (Disposition)	* Alleged Violation *
CLOSED CASES: (145)		
I CIVIL A.E. STALEY MFG. ME 0002216 MINOR ME, HOULTON MEDUXNEKEAG RIVER	4-28-75 FY 75 N/A Closed - $8,000 settlement - June '75.	Effl. limits violated. Failure to report daily analyses.
I CIVIL ANDREW WORSTED MILLS, INC. RI 0000809 MINOR RI, PASCOAG PASCOAG RIVER	1[illegible]-24-74 FY 75 N/A Closed - Consent Decree - $1,500 settlement - April '75.	Approx. 30,000 gals. of untreated process wastewaters & sanitary sewage.
I CIVIL BALDWINVILLE PRODUCTS, INC. MA 0000175 MAJOR MA, TEMPLETON OTTER RIVER	12-19-74 FY 75 2-19-75 Closed - $20,000 settlement - Sept. '75.	Failed to monitor effluent. Reports based on estimates.
I CIVIL BRINDIS LEATHER CO. ME 0001317 MINOR ME, CANTON WHITNEY BROOK	4-28-75 FY 75 5-19-75 Closed - Judgment, $1,000 penalty - 12/11/75.	Violated reporting requirements. (Late DMRs & progress reports)

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I CIVIL ERVING PAPER MILLS MA 0000621 MAJOR MA, ERVING MILLERS RIVER	12-19-74 2-19-75 Closed - $10,000 settlement Sept. '75.	Failed to monitor effluent. Reports based on estimates.
I CIVIL LEFLAR & MALMROSE, INC. (Vessel "Gimleland") N/A NEW YORK, NY (Boston, MA) BOSTON HARBOR	9/17/75 N/A CLOSED - Prosecution declined - Aug 76	Unauth. dumping of garbage, 7/12/75.
I CIVIL SCOTT & WILLIAMS, INC. NH 0000787 MAJOR NH, LACONIA LAKE OPECHEE	2/23/76 N/A CLOSED - Prosecution declined - 3/18/76	Failure to prepare, by 12/1/75, Engineering Report & final plans, as required by existing permit. Failure to comply w/permit conditions.
I CIVIL STAMINA MILLS RI 0000084 MAJOR RI, FORESTDALE BRANCH RIVER	2-13-74 7-1-74 Closed - Consent decree - $5,000 settlement - July '75.	Unreasonable delay in complying w/permit conditions.
I CIVIL VAHLSING, INC. ME 0002551 MAJOR* ME, EASTON PRESTILE STREAM *Permit not issued, Denied by ME.	7/28/75 N/A CLOSED - Plant closed-U.S. ATTY Closed File - 9/16/76	No Permit, Unauth. Disch., 19 disch. from FEB - MAY '75 (also several seasonal discharges over past years)

Civil & Criminal Enforcement Actions
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II CIVIL CAMDEN (MUN) NJ 0024491 & NJ 0026182 MAJOR NJ, CAMDEN DELAWARE RIVER	2/12/76 3/8/76 Closed - Consent order to restore & maintain waste treatment facilities - No Penalty - 6/28/76. Estimated repair costs $2,500,000.	Poor Operation & Maintenance of Waste Treatment Facilities & Equipment, Violation of conditions of permits.
II CIVIL CHARLES HAAG, INC. NJ 0003930 MAJOR NJ, SECAUCUS PENHORN CREEK to HACKENSACK RIVER	10-24-75 N/A Closed - Pros. declined - 4/6/76	Failure to construct treatment plant, self monitor, to report an unauth. disch. & disch. from an unreported outfall.
II CIVIL LINDEN CHLORINE PRODUCTS, INC. N/A NJ, LINDEN ARTHUR KILL	4-30-74 N/A Closed - US ATTY declined to file - July '75.	Non-filer. Disch. w/o permit or pending application on 10/30/72, 2/7/74, & 3/22/74.
II CRIMINAL LINDEN CHLORINE PRODUCTS, INC. N/A NJ, LINDEN ARTHUR KILL	4-30-74 FY 74 3-24-75 Closed - $10,000 fine - 11/10/75.	Non-filer. Disch. w/o permit or pending application on 10/30/72, 2/7/74 & 3/22/74.
II CIVIL NEPTUNE PACKING CORP. PR 0000094 MAJOR PR, MAYAGUEZ MAYAGUEX BAY	3/16/76 5/26/76 CLOSED - consent decree & $25,000 Penalty - 8/19/76	Failure to submit complete final plans & specifications for treatment facilities by 7/31/75 & failure to commence construction by 11/30/75, no report of noncompliance, exceeded eff. limits.
II CIVIL NICK BROTHERS FUEL CORP. N/A NY, HUNTINGTON HUNTINGTON HARBOR	9-20-74 FY 75 2-4-75 Closed - $3,500 penalty - 12/29/75.	Placed backfill material in bulkhead - no permit.

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II CIVIL TUCK INDUSTRIES, INC. NY 008338 MINOR NY, BEACON FISH KILL CREEK	2-14-75 6-5-75 Closed - 2-17-76 (See criminal case)	Non-filer. Point sources not covered in permit application.
II CRIMINAL TUCK INDUSTRIES, INC. NY 008338 MINOR NY, BEACON FISH KILL	2-14-75 FY 75 6-5-75 Closed - $43,500 fine - 2/17/76.	Disch. w/o permit. Point sources not covered in permit application.

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III CIVIL BORG-WARNER CORP. (Woodmar Plant) WV 0000841 MAJOR WV, WASHINGTON OHIO RIVER	12/31/75 N/A CLOSED - Consent decree & $10,000 Penalty - 9/8/76	Violation of Eff. limits, 65 violations of Total Suspended Solids.
III CIVIL EASTERN ASSOCIATED COAL CORP. WV 0004537 MAJOR WV, Grant Town Paw Paw Creek	3/16/76 N/A CLOSED - Withdrawn at request of EPA - 6/29/76	Violation of effluent limits, failure to eliminate unauth. disch., failure to attain operational level.
III CRIMINAL HOPEWELL (Mun) VA 0025011 MAJOR VA, Hopewell Bailey's Creek	12/2/75 FY 76 May 76 Closed - Pleaded "No Contest" (GUILTY) - $10,000 Fine & 5 years probation. 6/28/76	156 counts, willful, negligent, & unlawful failure to notify EPA of a significant and unreported discharge of industrial pollutant (KEPONE) to its WTP.
III CIVIL WHITMOYER LABS, INC. (Subsidiary of Rohm & Haas) PA 0012785 MAJOR PA, MYERSTOWN TULPEHOCKEN CREEK	8-15-75 FY 76 10-9-75 Closed - Consent Decree - & $5,000 penalty - 12/75.	Violated effl. limits. Failed to file 5 day letters. Failed to file DMR.

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IV CIVIL AMERICAN CYANAMID CO. (Santa Rosa Plant) FL 0002593 MAJOR FL, MILTON ESCAMBIA BAY	1-7-76 FY 76 3-3-76 Closed - $10,000 penalty & Consent Decree 3/16/76.	Violation of effl. limits. Failure to attain effl. limits. Disch. while not in compliance w/permit.
IV CIVIL AMERICAN SYNTHETIC RUBBER KY 0001589 MAJOR KY, LOUISVILLE OHIO RIVER	10-7-75 DEC 75 CLOSED - $7,500 Penalty & Consent decree - 7/29/76	Violated eff. limits from 7/74 thru 5/75, allowed "bypass" on 5 different dates.
IV CIVIL ANDREWS WIRE (A Div. of Georgetown Steel Corp.) SC 002691 MAJOR SC, ANDREWS LESTER CREEK	9/8/75 FY 76 1/15/76 CLOSED - $2,500 Penalty & Consent Decree - 5/27/76	Failure to tie in w/municipal system by 1/31/75, failure to submit report of noncompliance disch. while not in compliance w/permit.
IV CRIMINAL BLACK DIAMOND COAL MINING CO. N/A AL, WEST BLOCKTON CAFFEE CREEK	3-19-74 N/A Closed - Pros. declined - 5/4/76.	Disch. of approx. 4,000 tons of coal tines or dust into Caffee Creek.

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IV CIVIL CAROLINA PAPER MILLS NC 0006343 MAJOR NC, ROCKINGHAM HITCHCOCK CREEK	4-10-75 FY 75 5-7-75 CLOSED - $6,500 PENALTY - 4-30-76	Disch. continued after permit expiration. Failure to submit info required to auth. further discharge.
IV CRIMINAL CHAPMAN, ROBERT N/A KY, TOMPKINSVILLE BELCHER CREEK	6/18/76 N/A Withdrawn due to insufficient evidence 7/19/76	Unlawful discharge (Non-filter).
IV CIVIL CHARLESTON OIL CO. N/A SC, CHARLESTON An intertidal marsh of ASHLEY RIVER	8-21-75 N/A Closed - Prosecution Declined ÷ Voluntary Compliance 4-29-76	No permit. Disch. debris from truck.
IV CIVIL CHATTANOOGA COKE & CHEMICALS CO. (Formerly Mead Corp.) TN 0001635 MAJOR TN, CHATTANOOGA Unnamed Trib. of CHATTANOOGA CREEK	9-16-75 FY 76 9-26-75 Closed - Consent Decree - & $5,000 penalty - 11/75.	Not in compliance w/permit (Exceeding effl. limits).
IV CIVIL CUTTER LABORATORIES, INC. TN 0001481 MAJOR TN, CHATTANOOGA Tannery Branch to CITICO CREEK	12/15/75 FY 76 1/12/76 CLOSED - $10,000 PENALTY - CONSENT ORDER - 6/10/76	Disch. while not in compliance w/permit, has not attained operational level, has not reported changes in discharge relative to quantity of flow and/or chemical composition.

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IV CIVIL GENERAL ELECTRIC CO. NC 0000507 MAJOR NC, EAST FLAT ROCK BAT FORK CREEK	10-21-75 N/A Closed - US ATTY declined 1/9/76 - State of NC took action.	Exceeded effl. limits for pH 4/28/75, resulting in Major fish kill.
IV CIVIL W.R. GRACE & CO. Davison Chemical Co. TN 0001678 MAJOR TN, CHATTANOOGA S. CHECKAMAUGA CREEK	8-28-75 FY 76 9-18-75 Closed - Consent Decree - & $4,000 penalty - 11/75.	Violation of effl. limits.
IV CIVIL HARMAN INTERNATIONAL INDUSTRIES, INC. (Formerly Jervis Corp.) TN 0000779 MAJOR TN, BOLIVAR HATCHIE RIVER	8-19-75 N/A Closed - Declined pros. - State of TN negotiated settlement of $87,807.36 - 3/16/76.	Exceeded effl. limits. (Disch. 350 lbs. of cyanide on 6/23/75, limit is 0.016 lbs. per/day).
IV CIVIL INTERNATIONAL PAPER CO. AL 0000647 MAJOR AL, MOBILE CHICKASAW CREEK	9/4/75 & 9/25/75 1/8/76 CLOSED - Consent Decree $6,000 Penalty - 3/29/76	Unauth. disch. 4/21/75, 5/7/75, & 5/8/75. Power failures causing overflows. 3 additional unauth. disch. on 20, 21 and 28 AUG 75.
IV CIVIL KOPPERS CO., INC. SC 0003018 MAJOR SC, FLORENCE TWO MILE CREEK	4/6/76 N/A CLOSED - DECLINED TO PROSECUTE AT REQUEST OF EPA - COMPLIANCE ACHIEVED - 6/7/76	Did not submit preliminary engineering report of final plans, did not achieve effl. limits. disch. while not in compliance w/permit.
IV CIVIL LOUISVILLE & NASHVILLE RR CO. TN 0002999 MINOR TN, RADNOR BROWNS CREEK	2/19/75 & 2/28/75 FY 75 3-7-75 Closed - Consent Decree - & $7,500 Civil penalty - 9/3/75.	Failed to furnish DMRs & schedule compliance report. Did not submit final plans to achieve effl. limits. Also, no notice of compliance or noncompliance.

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IV CRIMINAL MECKLENBURG ABATTOIR & LOCKER PLANT, INC. N/A NC, CHARLOTTE Unnamed Trib. to LONG CREEK	6-10-75 12-8-75 Closed - Motion to dismiss granted - 1/76.	Disch. w/o permit.
IV CRIMINAL MILLER, ISAAC A. N/A KY, TOMPKINSVILLE BELCHER CREEK	6/18/76 N/A Withdrawn due to insufficient evidence. 7/19/76	Unlawful discharge (Non-filer).
IV CIVIL MINERAL RESEARCH & DEVELOPMENT CORP. NC 0006351 MAJOR NC, CONCORD ROCKY RIVER	10/21/75 11/6/75 CLOSED - Consent Decree, $5,000 Penalty - 8/19/76	Failed to meet interim eff. limits by 6/14/75, failed to provide non-compliance reports.
IV CIVIL MOUNT PLEASANT BOAT CO. N/A SC, MT PLEASANT SHEM CREEK	5-30-75 Withdrawn Closed - 12/75.	Unpermitteed disch. of dredged material.
IV CIVIL PARA-CHEM SOUTHERN, INC. SC 0001244 MINOR SC, SIMPSONVILLE DURBIN CREEK	4-25-75 FY 75 5-6-75 Closed - 12/18/75 - Consent Decree - & $3,000 penalty.	Effluent limits violated.

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IV CIVIL STEEL HEDDLE MFG. CO. SC 0002526 MAJOR SC, GREENVILLE MOUNTAIN CREEK	9-8-75 FY 76 10-3-75 Closed - $10,000 penalty & Consent Order - 3/11/76.	Exceeded effl. limits., failure to submit noncompliance reports, failing to monitor pH, & report same.
IV CIVIL UNION CARBIDE CO. SC 0001473 MAJOR SC, FLORENCE JEFFRIES CREEK	2-19-75 FY 75 3-14-75 Closed - $2,000 fine - 4/2/75.	Failed to meet effl. limits & submit final plans for attainment of same. Final plans not submitted as of 2/19/75.
IV CRIMINAL WEBB COAL CO., INC. Mine No. 5C N/A KY, LICK CREEK SCHOOLHOUSE BRANCH	2-15-74 FY 74 6-30-74 Closed - $2,500 fine ($2,000 of the fine suspended if no violations in next 2 years.) - 7/74.	Non-filer. Disch. of polluted wastewater w/o permit section 301(a), FWPCA.
IV CIVIL WHITECLIFF CORP. TN 0001961 MAJOR TN, NIOTA LITTLE NORTH MOUSE CREEK	2/25/76 FY 76 3/8/76 CLOSED - Consent decree & $12,000 Penalty - 6/29/76.	Failure to connect all wastewater disch. to Niota Sewer System by 3/31/75 & failure to provide accurate info concerning number of disch. points.
IV CIVIL WINSTON-SALEM & STATE OF NC. (municipal) NC 0024198 MAJOR NC, WINSTON-SALEM MIDDLE FORK CREEK to SALEM CREEK	11/18/75 12/31/75 CLOSED - Consent Decree - $1,000 Penalty - 9/7/76	Allowed approx. 41 cubic yds. of sludge material to enter creek resulting in fish kill.

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IV	12-13-73	Non-filer. Disch. w/o permit.
CIVIL	6-14-74	
W. LANGSTON HOLLAND,	Closed - injunction granted -	
Robert D. Wray et. al		
N/A	June '74.	
FL, ST. PETERSBURG		
PAPY'S BAYOU		

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V CIVIL AMERICAN CRYSTAL SUGAR CO. MN 0001929 MAJOR MN, CROOKSTONE RED LAKE RIVER	4-26-74 FY 74 5-21-74 Closed - 7/75 - $7,000 fine.	Disch. of 6,600 gals. of condenser pond wastewater containing high levels of BOD, SS & Coliform bacteria.
V CIVIL ASHLAND CHEMICAL CO. N/A IL, CHICAGO CHICAGO SANITARY SHIP CANAL	2/27/75 N/A CLOSED - prosecution declined - Aug 76	Spill - Clean up oprs. collected est. 240 gals. mixed chemicals from sunken dry cargo barge.
V CIVIL ASHLAND OIL, INC. N/A IL, CHICAGO CHICAGO SANITARY & SHIP CANAL	5-30-75 N/A Closed - Pros. declined - 9/25/75.	Discharge of Toluene.
V CIVIL AMOCO CHEMICAL CO. N/A IL, JOLIET ILLINOIS RIVER	2-13-75 N/A Declined - 6/12/75.	Spill - Est. 25 gals. metaxylene - ruptured cargo hose while unloading tank barge.
V CIVIL BORDEN, INC. SMITH-DOUGLAS DIV. N/A MI, GREENVILLE FLAT RIVER	12-3-75 N/A Closed - Pros. declined 2/2/76	On 3/7/75, an est. 11,800 gals. (59 tons) of 28% nitrogen solution escaped from holding tank, Pipe Plug failure.
V CIVIL BORG WARNER CHEMICALS IL 0003883 MINOR IL, OTTOWA ILLINOIS RIVER	2-5-75 N/A Closed - Pros. declined - 10/20/75.	Spill - Est. 900 gals. sulfole oil - coupling on connecting hose came loose & spilled undetermined amt.

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V CIVIL BRANDENBURG OILS SERVICES CO. N/A MI, OAKLAND COUNTY Trib. to PICKEREL LAKE	5-19-75 N/A Closed - Pros. declined - 1/9/76.	Disch. of crankcase oil & other pollutants w/o permits.
V CIVIL CENTERVILLE NPK FERTILIZER N/A IN, CENTERVILLE CENTER RUN	6-18-75 N/A Closed - Pros. declined - Deferred to State of IN 7/28/75.	Fertilizer spill.
V CIVIL CLARK EQUIPMENT CO. N/A IL, AURORA INDIAN CREEK	1-6-76 2-19-76 Closed - Dismissed 3/16/76.	Unauth. disch. - Naphthalene
V CIVIL COASTAL TANK LINES N/A IN, EVANSVILLE PIGEON CREEK	1-29-76 Not Filed Deferred to State of IN - 2/11/76.	Unauth. disch. - Anhydrous Amonia
V CIVIL STEAMER COLUMBIA N/A N/A DETROIT RIVER	8-6-75 N/A Closed - Pros. declined - 5/4/76.	Unauth. dumping of garbage. 6/13/75.
V CIVIL DEMERT & DOUGHERTY N/A IL, CHICAGO CHICAGO SANITARY & SHIP CANAL	2-21-75 N/A Closed - Pros. declined - 9/25/75.	Spill - approx. 30 - 50 gals. Ethyle - acetate - gasket blown from shore pump during priming operation.

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V CIVIL DEMERT & DOUGHERTY N/A IL, STICKNEY CHICAGO SANITARY & SHIP CANAL	2-24-75 N/A Closed - Pros. declined - 9/25/75.	Spill - approx. 500 - 1,000 gals. Isopropanol & Methanol overflow during transfer operation.
V CIVIL DETREX CHEMICAL IND., INC. OH 0000752 MAJOR OH, ASHTABULA LAKE ERIE	11-14-74 FY 75 12-3-74 Closed - Consent Decree - $55,000 settlement - 9/75.	Effluent limits violated.
V CIVIL E.I. DU PONT de NEMOURS & CO. OH 0000990 MAJOR OH, CLEVELAND CUYAHOGA RIVER	7-29-75 N/A Closed - Pros. declined - 9/18/75.	Sulfur spill - 2/1/75, approx. 50 tons of molton sulfur reached river.
V CIVIL E.I. DU PONT de NEMOURS, INC. OH 0002534 MINOR OH, TOLEDO HOMEVILLE Ditch	8-5-75 N/A Closed - Pros. declined - 8/26/75.	Styrene spill, 50 gals. 4/30/75, ruptured gasket on transfer line.
V CIVIL EMGE PACKING CO. IN 0001686 MINOR IN, FT. BRANCH W. FORK PIGEON CREEK	5/7/74 & 11/20/74 FY 75 3-24-75 Closed - 7/75. $1,750 fine.	Blood spill.
V CIVIL INLAND STEEL IN 0000094 MAJOR IN, E. CHICAGO LAKE MICHIGAN	4/10/75 N/A CLOSED - Prosecution Declined at request of EPA - Aug 76	Disch. containing metals in violation of 301(a).

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V CRIMINAL INMONT CORP. N/A MI, GRAND RAPIDS PLASTER CREEK	6-25-74 N/A Closed - US ATTY declined pros. - 6/75.	Spill - 11,000 gals. of Naptha.
V CIVIL INTERLAKE, INC. OH 0002976 MAJOR OH, TOLEDO MAUMEE RIVER	4-8-75 4-11-75 Closed - Motion to vacate summary judgment for defendant was denied - 4/1/76.	"Coke Breeze" disch. in violation of 301(a).
V CIVIL JOLIET MARINE SUPPLY & REPAIR SERVICES, INC. N/A IL, JOLIET DES PLAINES RIVER	2-27-75 N/A Closed - Pros. declined - 10/20/75.	Spill - est. 60 gals. coal & water pumped into river during cleanup operations.
V CIVIL KNOX HIRONS N/A IL, WALTONVILLE Unnamed trib. to BIG MUDDY RVR to REND LAKE	5-6-74 N/A Closed - Permanent injunction granted 6/21/74.	Animal carcasses
V CRIMINAL LIBBEY-OWENS FORD N/A OH, TOLEDO OTTER CREEK	9-12-73 N/A Closed - Pros. declined - resubmitted as civil action 10-21-74.	Spill - Disch. w/o permit.
V CIVIL LIBBEY-OWENS FORD N/A OH, TOLEDO OTTER CREEK	10/21/74 & 2/6/75 FY 75 3-21-75 Closed - $1,000 fine 8/5/75.	Spill - Sodium Chromate solution unnamed amount.

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V CIVIL MIDLINE ENTERPRISES CHOTIN TRANSPORTATION N/A IL DES PLAINES RIVER	2-25-75 N/A Declined - 6/12/75.	Spill - est. 200 gals. Orthoxylene leaked from tank barge.
V CIVIL MIDLAND ENTERPRISES, INC. N/A IL, LEMONT CHICAGO SANITARY & SHIP CANAL	2-5-75 N/A Closed - Pros. declined - 6-12-75.	Spill - est. 1,000 gals. Toluene Spill - leak in barge.
V CIVIL POST BULLETIN CO N/A MN, ROCHESTER BEAVER CREEK	1/1/75 2/23/75 CLOSED - $750 Penalty - 8/2/76	Unauth. disch. - Degreaser Agent
V CIVIL SOBIN CHEMICALS, INC. OH 0000752 MAJOR OH, ASHTABULA LAKE ERIE	11-14-74 FY 75 12-3-74 Closed - $25,000 penalty & Consent Decree - 10/3/75.	Effluent limits violated.
V CIVIL STEELCO CHEMICAL CORP. IL 0022934 MINOR IL, LEMONT CHICAGO SANITARY & SHIP CANAL	4-21-75 N/A Closed - Pros. declined - 12/18/75.	Hydrochloric acid disch. in violation of 301(a).
V CIVIL SUCREST CORP. IL 0002780 MINOR IL, CHICAGO OGDEN SLIP	2-13-75 N/A Closed - Pros. declined - 10/20/75.	Spill - est. 100 - 300 gals.liquid sugar spill inadvertently disch.

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V CRIMINAL E.C. SWEER & SON (Schilling Fish Co.) N/A WI, OCONTO PENSAUKEE RIVER	9-30-74 N/A Closed - No true bill returned 8/15/75.	Bored hole 30' dia. into holding pond of fish waste to allow entrance of barge. Waste escaped.
V CRIMINAL TRI COUNTY LOGGING CO. N/A MI BEAR CREEK	12-7-73 FY 74 N/A Closed - 3-3-75 - $2,500 fine.	Disch. w/o permit.
V CIVIL UNION CARBIDE CORP. N/A IN, EAST CHICAGO LAKE MICHIGAN	1-3-75 N/A Closed - PROS. DECLINED - 2/12/75	Spill - Malfunctioning pump disch. chemical (lime sludge) unk. volume.
V CIVIL UNION MECHLING CORP. N/A IL CHICAGO SANITARY & SHIP CANAL	2-19-75 N/A Declined 6/12/75.	Spill - Est. 10 gals. methanol leaked from packing glands on priming pump.
V CIVIL WERLIN, INC. N/A OH, CINCINNATI OHIO RIVER	12-19-74 N/A Closed - US ATTY declined pros. 3/75.	Spill - approx. 200 gals. wood molasses overflowed tank truck.
V CIVIL YATES MFG. CO. N/A IL, CHICAGO N/A	10-31-75 11-19-75 Closed - Settle & Dismissed 3/15/76.	Failure to provide response to 308 Inquiry.

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VI CIVIL BATON ROUGE & STATE OF LA. (Mun) LA 0036421 MAJOR LA, BATON ROUGE MISSISSIPPI RIVER	11/28/75 N/A CLOSED - Voluntarily dismissed with concurrence of EPA - Compliance achieved - Aug 76	Failure to comply w/compliance schedule.
VI CIVIL BOISE SOUTHERN CO. (Calcasieu Paper Co.) LA 0003379 MAJOR LA, ELIZABETH MILL CREEK	11/21/75 12/4/75 CLOSED - Consent Judgement & $8,000 Penalty 4/27/76	Unauth. "bypass" due to equipment malfunction which was uncorrected over a period of months.
VI CIVIL DOW CHEMICAL CO. LA 0003301 MAJOR LA, PLAQUEMINE MISSISSIPPI RIVER	12/29/75 N/A CLOSED - Consent decree & $8,000 Penalty - 4/26/76	Disch. 1,100,000 lbs. of waste sodium hydroxide on or about 6/27/75. disch. not covered by permit.
VI CIVIL GAF CORPORATION N/A TX, TEXAS CITY SUB SURFACE WELLS	9-6-74 N/A Closed - Motion to dismiss granted 2/5/75.	Non-filer.

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VII CIVIL ALBION (Mun) IA 0034321 MINOR IA, ALBION CHICKEN CREEK	1-27-76 N/A Closed - Pros. declined - Voluntary compliance achieved - 5/4/76.	Failure to submit report of compliance w/final effl. limits, no report of progress, failure to comply w/A.O.
VII CIVIL ALEXANDRIA (Mun) NE 0029238 MINOR NE, ALEXANDRIA LITTLE BLUE RIVER	8-22-75 N/A Closed - Pros. declined Deferred to State of NE 5/4/76.	Failure to submit DMRs & Report of analysis of actual sampling. Also failed to comply w/A.O.
VII CRIMINAL AMERICAN BEEF PACKERS, INC. N/A NE, MINATARE Moffat Draing to NINE MILE CREEK to N. PLATTE RIVER	2-6-74 4-26-74 Closed - Verdict - not guilty. 6/75.	Non-filer. Disch. w/o permit.
VII CIVIL AMERICAN OIL CO. MO 0004774 MAJOR MO, SUGAR CREEK SUGAR CREEK	2-12-75 N/A Closed - Withdrawn 1/6/76.	VII's largest disch. 6.47 mill. gals. day + 2 disch. DMRs revealed effl. violation, schedule of compliance, etc., Permit issued by Missouri Clean Water Comm., 3/29/73. Missouri received approved NPDES program 10/30/74. Permittee & State notified of violation. State did not take appropriate action.
VII CRIMINAL CENTRAL NEB. PACKING CO. N/A NE N. PLATTE RIVER	10-12-73 N/A US ATTY declined pros. 6/20/74.	Non-filer.

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VII CRIMINAL CONTINENTAL CHEESE, INC. N/A NE CROOKED CREEK	10-9-73 N/A US ATTY declined pros. 6/20/74.	Non-filer.
VII CRIMINAL ELMER DUERFELDT CO. N/A NE HALF BREED CREEK	6-30-73 N/A US ATTY declined pros. 6/20/74.	Non-filer.
VII CIVIL ESSEX (Mun) IA 0026603 MINOR IA, ESSEX EAST NISHNABOTNA RIVER	1-28-76 N/A Closed - Pros. declined Voluntary compliance achieved 5/4/76.	Violation of A.O., did not achieve final effl. limits, no report of progress for achieving compliance.
VII CIVIL A.P. GREEN REFRACTORIES CO. N/A MO, MEXICO SALT RIVER	6-17-75 N/A Declined - 6/24/75.	Unlawful disch. of pollutants over limitations.
VII CRIMINAL HARKER PAINT & VARNISH CO. N/A MO, SPRINGFIELD S. JORDAN CREEK (Trib. to James River)	4-9-74 N/A Closed - US ATTY declined pros. 8/30/74.	Spill - Non-filer.
VII CIVIL HERRICK'S FERTILIZER & SUPPLY CO. N/A MO, TARKIO TARKIO RIVER	8-29-75 N/A Closed - US ATTY declined 12/3/75.	No permit. Unauth. disch. of Anhydrous Amonia - 7/29/75. resulting in fish kill.

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VII CIVIL JANESVILLE (Mun) IA 0026506 MINOR IA, JANESVILLE CEDAR RIVER	1-26-76 N/A Closed - Pros. declined - Voluntary compliance achieved 5/4/76.	No notice of compliance or noncompliance w/contract award requirement, did not meet compliance schedule, violation of A.O.
VII CIVIL LUDHIGSON CATTLE COMPANY N/A IA, HOLSTEIN Drainage Ditch to ASTON CREEK	12/17/74 N/A CLOSED - Consent decree & $5,000 Penalty - 7/21/76	Non-filer. No permit. Runoff from cattle property 5,000 gals. in light rainfall.
VII CRIMINAL MAHASKA BOTTLING CO. N/A IA, OSKALOOSA Trib. LITTLE MUCHAKINOCK CREEK	10-14-74 FY 75 N/A Closed - $600 fine 7/2/75	Non-filer. Untreated process wastewater.
VII CRIMINAL MAPES INDUSTRIES MO SALT CREEK	4-26-73 N/A Closed - US ATTY declined pros. 7/73.	Non-filer.
VII CIVIL MASSENA (Mun) IA 0048348 MINOR IA, MASSENA WEST NODAWAY RIVER	1-27-76 N/A Closed - pros. declined - Voluntary compliance achieved 5/4/76.	Did not submit DMR by 7/28/75, no report of disinfection facilities plans, no notice of noncompliance, failure to comply w/A.O.
VII CIVIL MIDDLETOWN (Mun) IA 0025381 MINOR IA, MIDDLETOWN FLINT CREEK	1-28-76 N/A Closed - pros. declined - Voluntary compliance achieved 5/4/76.	Did not submit preliminary engineering report, no notice of compliance or noncompliance, failure to comply w/A.O.

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(Section 309 & 301 Referrals tc U.S. Attorney)
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VII CIVIL NEHAWKA (Mun) NE 0025399 MINOR NE, NEHAWKA WEEPING WATER CREEK	8-22-75 N/A Closed - Pros. declined - Deferred to State of NE 5/4/76.	Failure to submit report of progress for disinfection facilities. Also failed to comply w/A.O.
VII CIVIL NORTH ENGLISH (Mun) IA 0034202 MINOR IA, NORTH ENGLISH ENGLISH RIVER	1-27-76 N/A Closed - Declined to Prosecute 3-25-76	Did not submit Disch. Monitoring Report by 4/28/75, no notice of compliance or noncompliance, no report of progress, failure to comply w/Notice of Violation.
VII CIVIL RAMSEY CORP. MO 0000434 MINOR MO, SULLIVAN WENZEL CREEK	3-17-75 5-2-75 Closed - declined pros. 5/2/75.	Effl. limits violated.
VII CIVIL ROGER RUST IA 0038164 MINOR IA, SHEFFIELD Navigable USA	1-26-76 N/A Closed - Pros. declined - 4/6/76 - deferred to State of IA	Did not achieve operation level by 10/11/75 as required by permit.
VII CRIMINAL RUNNYMEADE ESTATES INC. N/A MO BELLEAU CREEK	4-26-73 N/A Closed - Pros. declined - 2/2/74.	Discharge of pollutants.
VII CIVIL SOUTHWEST BY-PRODUCTS, INC. N/A MO, SPRINGFIELD JAMES RIVER via JORDAN RIVER	1-2-75 N/A Declined 7/75	Spill - approx. 5,000 lbs. animal fat from bulk storage plant.

Civil & Criminal Enforcement Actions
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VII CIVIL SPRINGVILLE (Mun) IA 0046663 MINOR IA, SPRINGVILLE Navigable USA	1-23-76 N/A Closed - Pros. declined at request of EPA - 4/6/76.	Failure to meet compliance schedule, regarding submission of preliminary engineering report for construction
VII CIVIL STANDARD OIL CO. (Chem. & Fert. Bulk Plant) N/A IA, CENTER POINT APPLE CREEK	9-30-75 N/A Closed - US ATTY declined pros. 7/28/76.	No permit, spill of liquid fertilizer & rain water mixture, resulted in fish kill, 7/7/75.
VII CIVIL UNION PACIFIC RR CO. NE 0000515 MINOR NE, OMAHA MISSOURI RIVER	7-22-75 N/A Closed - US ATTY declined - 8/28/75.	Violation of effl. limits.

Civil & Criminal Enforcement Actions
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VIII CIVIL AMAX, INC. formerly AMERICAN METAL CLIMAX, INC. CO 0000248 MAJOR CO, CLIMAX EAST FORK OF EAGLE RIVER	1/19/76 FY 76 7/21/76 CLOSED - Consent decree & $3,000 Penalty - 7/26/76.	Disch. untreated process tailings, disch. point not covered by permit, violation of effl. limits 7/31/75 & 8/2/75.
VIII CIVIL ANACONDA COMPANY MT 0000191 MAJOR MT, BUTTE Clearwater Ditch to SILVER BOW CREEK	7/21/75 FY 76 11/7/75 CLOSED -Stipulation, & $15,000 Penalty - 5/3/76.	Disch. not auth. by permit. 3 cases of "bypass" on 1/14/75, 5/28/75 & 6/3/75.
VIII CIVIL GREAT WESTERN SUGAR CO. CO 0001007 MAJOR CO, EATON HILL CACHE la PONDRE RIVER	11-28-73 FY 74 N/A Closed - negotiated settlement of $3,500 - 5/75.	Violation of bypass condition in permit.
VIII CIVIL HOLLY SUGAR COMPANY MT 0000248 MAJOR MT, SIDNEY Ditch to YELLOWSTONE RIVER	3-7-75 FY 75 3-28-75 Closed - Stip. & $47,500 penalty - 12/75.	Effluent limits violated.
VIII CIVIL HUSKY OIL WY 0000442 MAJOR WY, CHEYENNE CROW CREEK (Trib.to S. Platte Ri.)	3-6-74 N/A US ATTY declined pros. 5/75.	Violation of effluent limits.
VIII CIVIL HUSKY OIL WY 0000451 MAJOR WY, CODY SHOSHONE RIVER	11-13-74 FY 75 1-20-75 Closed - Order, judgment & $2,500 penalty - 12/75.	Effl. limits violated.

Civil & Criminal Enforcement Actions
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VIII CIVIL KAISER CEMENT & GYPSUM CORP. MT 0000451 MINOR MT, MONTANA CITY Unnamed draw to PRICKLEY PEAR CREEK	12-11-74 N/A US ATTY declined - 1/16/75	Runoff of waste from dumpsite.
VIII CIVIL MINN-DAK FARMERS COOP. N/A ND, WAHPETON Unnamed ditch, a trib. to RED RIVER	5-20-75 FY 75 N/A Closed - Consent agreement & $5,000 penalty - 1/76.	Disch. w/o permit.
VIII CIVIL NEW JERSEY ZINC CO. CO 0000035 MAJOR CO, GILMAN Open ditch & storm drain to EAGLE RIVER	8-16-74 FY 75 1-24-75 Closed - $4,500 fine to US/ $3,000 to State - 4/75.	Violated bypass prohibition.
VIII CIVIL PARK CITY VENTURES UT 0022403 MINOR UT, KEETLEY STATION Drain Tunnel Creek, A Trib. to PROVO RIVER	7/18/75 FY 76 2/6/76 CLOSED - Stipulation & $46,000 Penalty - 5/3/76.	Unauth. disch., 14 different days in May of 75.
VIII CIVIL BOARD OF WATER WORKS OF PUEBLO CO 0000787 MAJOR CO, PUEBLO ARKANSAS RIVER	12/23/74 FY 75 12/29/75 CLOSED - Consent decree & $2,000 Penalty - 12/29/75.	Effl. violations - Violation A.O. requiring compliance.

Civil & Criminal Enforcement Actions
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VIII CIVIL RED RIVER VALLEY COOP. N/A ND, HILLSBORO Unnamed ditch, & coulee to GOOSE CREEK	5-20-75 FY 75 10-14-75 Closed - Consent agreement & $50,000 penalty, 10/75.	Disch. w/o permit.
VIII CIVIL STAUFFER CHEMICAL CO. N/A WY, LEEFE TWIN CREEK to BEAR RIVER, Trib. to Great Salt Lake	4-23-75 FY 75 6/16/75 Fined $5,500 (Paid) Closed - 8/75.	Disch. w/o permit.
VIII CIVIL WESTERN DAIRYMEN'S COOP. & WESTERN GENERAL DAIRIES, INC. UT 0000469 MAJOR UT, RICHMOND ROBINSON CREEK (Trib. to CUB CREEK)	1-10-75 FY 75 5-1-75 Closed - Consent Decree & $15,000 penalty - 12/75.	Effluent limits violated.

Civil & Criminal Enforcement Actions
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IX CIVIL ALLIED CHEMICAL CORP. CA 0004979 MAJOR CA, PITTSBURG SUISON BAY	3-28-74 FY 74 7-8-74 Closed - Court settlement - Consent decree & $500 Penalty - 6/25/75.	Spill - Unauth. Disch. of Chemical Pollutant
IX CIVIL ALLIED CHEMICAL CORP. (Bay Point) CA 0004979 MAJOR CA, PITTSBURG SUISUN BAY	7/31/75 FY 75 11/21/75 CLOSED - Court settlement - Consent decree & $25,000 Penalty - 4/27/76	Violated eff. limits continuously from 1/1/75 to 4/30/75.
IX CIVIL GENERAL AMERICAN TRANS. CORP. N/A CA, OAKLAND SAN FRANCISCO	3-28-74 FY 74 7-8-74 Closed - Court settlement - Consent decree - $500 Penalty - 4/8/75.	Spill - Unauth. Disch. of Chemical Pollutant
IX CIVIL H & H SHIP SERVICE CO. N/A CA, SAN FRANCISCO SAN FRANCISCO	3-28-74 N/A Closed - US ATTY declined - 5/7/74.	Spill - Unauth. Disch. of Chemical Pollutant
IX CIVIL IMPERIAL WEST CHEMICAL CORP. N/A CA, ANTIOCH SAN JOAQUIN RIVER	3-28-74 7/8/74 Closed - Court settlement Consent decree (No Penalty) 6/26/75.	Spill - Unauth. Disch. of Chemical Pollutant
IX CIVIL JONES HAMILTON CO. N/A CA, NEWARK PLUMMER CREEK	3-28-74 N/A Closed - US ATTY declined - 5/7/74.	Spill - Unauth. Disch. of Chemical Pollutant

Civil & Criminal Enforcement Actions
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IX CIVIL Laupahoehoe Sugar Co. HI 0000159 MAJOR HI, HONOLULU PACIFIC OCEAN	11/14/75 FY 76 2-13-76 Closed - $25,000 penalty & Consent Decree - 2/17/76.	Violation of final compliance dates, disch. cane trash & bagasse in violation of permit.
IX CRIMINAL PHELPS - DODGE N/A AZ, DOUGLAS WHITEWATER DRAW	5-15-74 12-13-74 Closed - Dist. Ct. Judge dismissed 4/22/75.	Non-filer.
IX CIVIL VAN CAMP SEAFOOD CO. AS 0000027 MAJOR AS PAGA PAGO HARBOR	5-8-74 FY 74 6-21-74 Closed - Court settlement - Consent decree & $20,000 Penalty - 8/5/75	Failed to achieve final compliance with best practicable treatment by 3/74. Failure to comply w/A.O.
IX CIVIL WILLARD SCHOENFELD, INC. N/A CA, REDWOOD CITY REDWOOD CREEK	3-28-74 7-8-74 Closed - Court settlement Consent decree (No Penalty) 6/27/75.	Spill - Unauth. Disch. of Chemical Pollutant

Civil & Criminal Enforcement Actions
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X CIVIL ALASKA LUMBER & PULP CO, Inc. AK 0000531 MAJOR AK, Sitka Silver Bay	5/18/76 5/18/76 Closed - Consent Decree, No Penalty - 5/18/76	Failure to comply with implementation Schedule.
X CIVIL ALASKA PACIFIC SEAFOODS, INC. AK 0000434 MAJOR AK, KODIAK KODIAK HARBOR	12-23-74 Not Filed. Closed - US ATTY declined - 10/17/75.	Disch. untreated fish processing wastewater.
X CIVIL EAGLE WATER & SEWER DIST. (Mun) ID 0022021 MINOR ID, EAGLE Lagoon to BOISE RIVER	9-22-75 FY 76 10-3-75 Closed - Consent Decree & $250 penalty - 2/76.	Noncompliance w/permit special condition "Allowed bypass", 6/20/75.
X CIVIL EXXON CORP. & NABORS ALASKA DRILLING INC. N/A AK, FLAXMAN ISLAND BEAUFORT SEA	9/29/75 9/1/76 CLOSED - Consent Order, $100,000 Penalty - 9/1/76	Non-filer, disch. w/o permit.
X CIVIL PAN-ALASKA FISHERIES, INC. AK 0000281 MAJOR AK, KODIAK ST. PAUL HARBOR	4-10-74 N/A Closed - Negotiated settlement 7/74.	Failure to screen wastes.
X CIVIL SUNSHINE MINING CO. ID 000060 MINOR ID, KELLOGG BIG CREEK	2/4/76 N/A CLOSED - U.S. Atty. declined to prosecute - 3/17/76	Disch. not covered by permit, unlawful disch. of pollutant.

Civil & Criminal Enforcement Actions
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X CIVIL WHITNEY-FIDALGO AK 0001309 MAJOR AK, KODIAK KODIAK HARBOR ST. PAUL HARBOR	4-10-74 Not Filed Closed - negotiated settlement 7/74.	Failure to screen wastes.
X CIVIL GARY WILSON N/A AK, KODIAK ST. PAUL HARBOR	12-23-74 Not Filed. Closed - US ATTY declined - 10/17/75.	Non-filer.

APPENDIX C
Table 2

OIL AND HAZARDOUS SUBSTANCE LIABILITY - SECTION 311(b)(5)

Failure to Notify of Discharge - Criminal Fine

Region	Name of Discharger	Location	Receiving Waters	Description of Problem/Incident	EPA Action: Referral to and Date	Results or Status
IV	Lutex Chemical Corp., Inc.	Chattanooga, TN	S. Chickamauga Creek	Lutex Waste Discharge 5/24/76 Resultant Fish Kill	US Atty 9/2/76 Pending	CG 9/2/76 Pending
IV	Winfield Cotton Mill	Winfield AL	Luxapallila Creek	Approx. 2,000 gals. #2 fuel oil. 1/10 or 1/11/76 Equip. Failure	US Atty 4/30/76 Declined 5/17/76	CG Proposed $1500 6/11/76
IV	Crown Zellerbach Corp.	Doraville GA	Peach Tree Creek	Est. 5,000 gals #2 fuel oil. 9/23/75 Equip. Failure	US Atty 5/10/76 Pending	USCG 5/10/76 Pending
IV	Warrior Asphalt Co. of AL	Doraville GA	N. Fk. Peachtree Creek	Approx 400 gals. Heavy heating oil 10/21/76 Equip. Failure	US Atty 3/11/76 Pending	CG 3/11/76 Pending
VII	Chicago, Rock Island Pacific RR	Manly GA	Rose Creek	Oil discharge from tile drain	US Atty 9/10/76 to be referred as 309 Civil Action	CG 9/10/76
VII	Koch Industries, Inc.	Wichita KS	Spring Creek	Pipeline Leak 12/20/75	US Atty 8/23/76 Pending	CG 8/23/76 Pending
VII	Burlington Northern Inc.	Lincoln NE	Salt Creek	Approx. 1,000 gals. Diesel fuel on or about 3/24/76	US Atty 6/29/76 Pending	Pending CG 5/27/76
VII	G & A Marketing Co.	Omaha NE	Missouri River	Unk. quantity of oil 12/3/75	US Atty 1/15/76 Declined - 11/12/76	CG 1/15/76 Pending
VII	Hugh Dennis Oil & Grease Co.	Springfield MO	Jordan Creek	Approx. 500 gals. Re-Refined oil 12/5/75 valve broke	US Atty 1/26/76 Declined - first offense 4/1/76	CG 1/26/76 Pending

Appendix C
Table 3

OCEAN DUMPING ENFORCEMENT

RESPONDENT'S NAME	REFERRAL FROM	TYPE OF VIOLATION	NOTICE OF VIOLATION	DISPOSITION
		REGION II		
International Wire Products Co.	EPA	Failure to submit reports of progress concerning dumping phase-out	7/23/76	$1,000 civil penalty 9/20/76
Spentonbusg Transport Service, Inc.	USCG	Copy of permit not on board towing vessel.	7/22/76	$200 penalty 9/30/76
General Marine Transport Corp.	USCG	Failure to notify Captain-of-the Port 24 hours prior to departure.	7/22/76	Pending
Whippany Paperboard Co., Inc.	EPA	Failure to submit timely permit reapplication	9/14/76	Pending
		REGION IV		
West Indies Transport & Oceanic Operations Corp.	USCG	Dumping of wood without a permit.	1/30/76	Consent Decree 5/27/76 - $1,000 civil penalty

Appendix C
Table 3

OCEAN DUMPING ENFORCEMENT

RESPONDENT'S NAME	REFERRAL FROM	TYPE OF VIOLATION	NOTICE OF VIOLATION	DISPOSITION
		REGION II		
Modern Transportation Co.	EPA	Higher concentration of several parameters than that reported in the permit application	3/5/75	Pending
Chemical Recovery, EPL Ind.	EPA	Higher concentration of several parameters than that reported in the permit application	3/5/75	Pending
Schering Corp.	EPA	Failure to submit reports of progress concerning dumping phase-out	6/29/76	Pending
Fritsche Dodge & Olcott Inc.	EPA	Failure to submit reports of progress concerning dumping phase-out	7/14/76	Assessed $500, 9/1/76
Whippany Paperboard Co., Inc.	EPA	Failure to submit reports of progress concerning dumping phase-out	7/23/76	Pending
S.B. Thomas, Inc.	EPA	Failure to submit reports of progress concerning dumping phase-out	8/19/76	$500 - civil penalty - 9/76

COMPARISON OF ENFORCEMENT ACTIONS INCLUDED IN STATISTICAL TABULATIONS PRESENTED IN EPA ENFORCEMENT REPORTS PUBLISHED THROUGH SEPTEMBER, 1976

ITEM	24 Months First EPA Report* Dec. '70 - Nov. '72 (No. of Actions)	24 Months Second EPA Report** Dec. '72 - Nov. '74 (No. of Actions)	13 Months Third EPA Report*** Dec. '74 - Dec. '75 (No. of Actions)	9 Months Current Report Jan. '76 - Sept. '76 (No. of Actions)
AIR ENFORCEMENT:				
Stationary Sources				
SIP Notices of Violation 1/	--	270	318	
SIP Administrative Orders	--	92	217	
SIP Consent Orders	--	34	118	
SIP Referrals to U.S. Attorney	--	3	2	
SIP Subtotal 4/	--	399	655	695
NESHAP 1/ Notices of Violation	--	--	4	
NESHAP Administrative Order	--	19	9	
NESHAP Referrals to U.S. Attorney	--	7	--	
NESHAP Subtotal 4/	--	26	13	17
NSPS 1/ Notices of Violation	--	--	22	
NSPS Administrative Order	--	--	13	
NSPS Referrals to U.S. Attorney	--	--	--	
NSPS Subtotal 4/	--	--	35	7
Total Stationary Sources	28 2/	425	703	719
Mobile Sources 2/	--	15	774 2/	1833 3/
Total Air Enforcement.....	28	440	1477	2552
PESTICIDES ENFORCEMENT:				
Civil Cases	--	569	355	269
Criminal	159	235	8	--
Recalls	--	64	81	225
SSURO 5/ incl. Seizures	23	160	214	257
Citations	--	576	--	--
Warning Notices	--	1206	1001	717
Import Detentions	--	198	189	90
Civil Penalty Warnings	--	7	57	56
Total Pesticides Enforcement	182	3015	1905	1614
WATER ENFORCEMENT:				
FWPCA, Sect. 309 Notices of Violation	--	--	101	91
FWPCA, Sect. 309 Administrative Orders	--	455	829	653
FWPCA, Sect. 309 Civil/Criminal Referrals	4 6/	37	123	83
FWPCA, Sect. 311 Oil Spill Referrals to U.S. Coast Guard and U.S. Attorney	30	995	1,146	743
FWPCA, Sect. 311 Actions for SPCC 7/ Violations	--	--	1114	866
Miscellaneous Non-NPDES Violations 9/	--	--	--	2
Pre-FWPCA Actions 8/	508	18	--	--
Total FWPCA Actions	542	1,505	3,313	2438
REFUSE ACT OF 1899 -- Civil/Criminal Referrals	435	100	4	--
MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT (Ocean Dumping Act) -- All actions reported	--	8	3	9
Total Water Enforcement	977	1613	3320	2447
All Actions Enumerated	1,187	5068	6702	6613

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* "THE FIRST TWO YEARS: A REVIEW OF EPA'S ENFORCEMENT PROGRAM". February 1973, EPA, Wash., D.C.

** "EPA ENFORCEMENT: TWO YEARS OF PROGRESS -- AIR, WATER, PESTICIDES". 1975, EPA, Wash., D.C.

*** "EPA ENFORCEMENT: A PROGRESS REPORT". December 1974 to December 1975, June 1976, EPA, Wash., D.C.

1/ SIP=State Implementation Plans; NESHAP=National Emission Standards for Hazardous Air Pollutants; NSPS=New Source Performance Standards. 2/ Air Enforcement Actions discussed in narrative form in text of these reports. 3/ Actions Enumerated include 12 Sect. 208 letters and 1 prosecution referral (auto manufacturers); 5 prosection referrals (tampering); 1 prosection referral, 1200 vehicles modified, 75 vehicles exported (Imports); 536 compliant filings (fuels); 1 prosecution referral, 2 Orders issued (TcP/IM). 4/Actions under SIP, NESHAP, NSPS are no longer reported by type of Action by Regional Offices. 5/ SSURO=Stop Sale, Use, or Removal Orders. 6/ Pre-RWPCA Sect. 10(g) actions. 7/ SPCC=Spill Prevention Control and Countermeasures plans. 8/ Includes Enforcement Conferences, 180-Day Notices. 9/ Represents Referrals to US Attorney for refusing to pay assessed SPCC Penalties

☆ U.S. GOVERNMENT PRINTING OFFICE: 1977— 720-117/1928

EPA REGIONAL OFFICES

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II	26 Federal Plaza, Room 1009 New York, New York 10007	New Jersey, New York, Puerto Rico, Virgin Islands.
III	Curtis Building 6th and Walnut Street Philadelphia, Pennsylvania 19106	Delaware, District of Columbia, Virginia, West Virginia, Maryland, Pennsylvania.
IV	345 South Dearborn Street Atlanta, Georgia 30308	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
V	230 South Dearborn Street Chicago, Illinois 60604	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
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VII	1735 Baltimore Street Kansas City, Missouri 64108	Iowa, Kansas Missouri, Nebraska,
VIII	1860 Lincoln Street Denver, Colorado 80203	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
IX	100 California Street San Francisco, California 94111	Arizona, California, Hawaii, Nevada, American Samoa, Guam, Trust Territories of Pacific Islands, Wake Islands
X	1200 6th Avenue Seattle, Washington 98101	Alaska, Idaho, Oregon, Washington

TECHNICAL REPORT DATA

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1. REPORT NO.

2.

3. RECIPIENT'S ACCESSION NO.

4. TITLE AND SUBTITLE

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Air, Noise, Water, Pesticides

5. REPORT DATE

January 1977

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9. PERFORMING ORGANIZATION NAME AND ADDRESS

10. PROGRAM ELEMENT NO.

11. CONTRACT/GRANT NO.

12. SPONSORING AGENCY NAME AND ADDRESS

U.S. Environmental Protection Agency
Office of Enforcement
Washington DC 20460

13. TYPE OF REPORT AND PERIOD COVERED

14. SPONSORING AGENCY CODE

15. SUPPLEMENTARY NOTES

16. ABSTRACT

This report, the fourth in a series of EPA Enforcement Progress Reports, covers the period January 1, 1976, through September 30, 1976. The report documents enforcement activities carried out directly by the U.S. Environmental Protection Agency. As such, it enumerates only a portion of the environmental enforcement activities in this country. The enforcement of our nation's environmental laws is a task shared by the Federal, State and local governments.

17. KEY WORDS AND DOCUMENT ANALYSIS

a. DESCRIPTORS	b. IDENTIFIERS/OPEN ENDED TERMS	c. COSATI Field/Group

18. DISTRIBUTION STATEMENT

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